

Henry J. Walrath

Be it remembered that heretofore to wit on the 25<sup>th</sup> day of September 1858 Levi Walrath a son and an executor named in the last will and Testament of Henry J. Walrath late of the town of Danube deceased appeared in open court before the Surrogate of the County of Herkimer and made application to have the said last will and Testament which relates to both real & personal estate proved and on such application the Surrogate did ascertain by satisfactory evidence who were the widow heirs and next of kin of the said testator and their respective residences & some of them appearing to be minors and having no general guardian residing within the state of New York a special guardian was appointed in due form of law to take care of their interest in the matter of proving the said will by an order entered for that purpose by said Surrogate & said Surrogate did thereupon issue a citation in due form of law directed to the said widow heirs & next of kin & special guardian by their respective names stating their respective places of residences requiring them to appear before said Surrogate at his Office in Herkimer on the 6<sup>th</sup> day of October then next to attend the probate of said will. And afterwards to wit on the said 6<sup>th</sup> day of October satisfactory evidence by affidavit was produced and presented to said Surrogate of the service of the said citation in the mode prescribed by law and on that day no one appearing to oppose the probate of such will such proceedings were thereupon had that the surrogate took the proof of said will hereinafter set forth and he adjudged the said will to be a valid will of real and personal estate and the proofs thereof to be sufficient which said last will & Testament & proofs are as follows that is to say

Will

Whereas I Henry J. Walrath of the town of Danube County of Herkimer and State of New York being at present of sound mind and understanding and concerning the execution of this said

I do hereby make publish and declare this my last will and testament in manner and form following to wit:

First: I hereby resign my soul into the hands of my maker hoping for pardon and mercy through the merits of my Redeemer my body to be decently buried at the discretion of my Executors hereinafter named.

Secondly: I will that all my just debts and funeral expences be first paid and satisfied

Thirdly: I hereby give and bequeath to my oldest daughter Fozenah one hundred and fifty dollars in money one year after the death or remarriage of my wife Betsey

Fourthly: I hereby give and bequeath to my daughter Maria one hundred and fifty dollars in money two years after the death or remarriage of my said wife Betsey

Fifthly: I hereby give and bequeath to my daughter <sup>Catherine</sup> ~~Margaret~~ one hundred and fifty dollars ~~in money~~ three years after the death or remarriage of my said wife Betsey

Sixthly: I <sup>herely</sup> ~~give~~ and bequeath to my daughter Margroto one hundred and fifty dollars in money four years after the death or remarriage of my said wife Betsey. I further give her in stead and in lieu of an out fit whenever she arrives to the age of twenty two years sixty five dollars in money one cow one two year old heifer & five sheep & one hog which out fit may be paid sooner if necessary & her Red? for the same is so far as it goes to balance against her portion in this will

Seventhly: I hereby give and bequeath to my other two daughters  
named Dinah and Adaline each one hundred and fifty dollars in  
money five years after the death or remarriage of my said wife  
Betsey. I further hereby give to <sup>each of</sup> them instead of an out fit sixty five  
dollars in money one cow, one two year old heifer, five sheep and  
one hog whenever they arrive at the age of twenty one years.

Eighthly: I hereby give and bequeath to my beloved wife Betsey and to  
her heirs and assigns forever three hundred dollars in money ten  
years after my decease, and I hereby make my said wife Betsey  
sole trustee over all my estate both real and personal for and  
during the time she remains my widow and I hereby suspend the  
payment of the legacies aforesaid until her death or remar-  
riage as the same is herein above mentioned.

Ninthly: after the death or remarriage of my said wife Betsey and  
after the payment of all the legacies herein mentioned & contained  
in my last will and testament then all my other and remaining  
estate both real and personal & not herein otherwise disposed  
of I hereby give devise and bequeath to my three sons named

Levi Henry and Martin & to their heirs and assigns for  
 ever deducting first out of Levi's portion seven hundred  
 and twenty five dollars which I have already paid him  
 reserving however out of said Estate the expence of a  
 suitable grave stone for me and my wife <sup>(1)</sup> Reserving also  
 all my house hold furniture stoves <sup>(2)</sup> clocks carpets beds and  
 bedding and Bedsteads looking glasses <sup>(3)</sup> cloths <sup>(3)</sup> linens and all  
 such other articles as are or may be used <sup>(4)</sup> in occupa-  
 tion in and about the house. I hereby further reserve a  
 house and support in my present dwelling house for  
 all my children until they respectively get married or  
 unless they are otherwise provided for they at the same time  
 to use every reasonable diligence in support of the same  
 as usual all the house hold furniture above mentioned  
 and contained and embraced in the four lines above  
 and marked on the margin of the page 1-2-3-4. I hereby  
 give to my six daughters above named and to be by them  
 equally divided. and

Lastly; I hereby nominate constitute and appoint my said wife executrix and my son Levy executor to this my last will and testament hereby revoking all former will or wills by me made. In Witness Whereof I have hereunto set my hand and seal this 28<sup>th</sup> day of March in the year of our Lord 1853.

Signed sealed published and declared by the said Henry I Walrath to be his last will and testament in our presence who at his request and in his presence and in the presence of each other have subscribed our names as witnesses  
Witness Present Henry I. Walrath L.S.

Jacob Smith of Minson in the County of Montgomery  
Erastus H. Smith of Minson in the County of Montgomery  
Northham County:

Jacob Smith of the town of Minson in the County of Montgomery and Erastus H. Smith of the town of ~~Minson~~ Little Falls in the County of Northham being first duly sworn in open court on their oaths do depose and say that they are subscribing witnesses to the last will and testament of Henry I. Walrath late of the town of Downbe in the same County of Northham deceased. And these deponents further say that the said deceased did in the presence of these deponents subscribe his name at the end of the instrument which is now shown to these deponents and which purports to be the last will and

Testament of the said deceased and which being done on the  
day of March A.D. 1853. that the said deceased did at the time  
subscribing his name to said instrument as aforesaid declare  
the same to be his last will and testament, that these deponents  
thereupon subscribe their names at the end of said instrument  
as attesting witnesses to the execution thereof at the request  
of the said deceased and in his presence and in the presence of  
other That the said deceased at the time of subscribing his name  
to said instrument as aforesaid was upwards of twenty one  
of age, that he appeared to be of sound mind & memory and  
not under restraint to the knowledge or belief of these deponents  
Sworn examined & subscribed this 3<sup>d</sup> day of October 1858 before me  
Jacob Smith  
Crastus H. Smith  
Robert Earl Surrogate

Recorded the preceding last will and testament of Henry  
Katrash deceased as a will of real and personal estate together  
with the proofs taken in the court of the Surrogate of the county  
of Herkimer relating to the said last will and testament, which  
records is hereby signed and certified by me pursuant to the  
provisions of the Revised Statutes this 6<sup>th</sup> day of October 1858

Robert Earl Surrogate