

Be it remembered that heretofore to-wit on the 14th day of April 1863
Josiah Walrath an ~~Executor~~ ^{a devisee} named in the last will & testament
of William Walrath late of the town of Palatine in the County
of Montgomery deceased appeared in open Court before the
County Judge of said County as Surrogate and made application
to have the said last will and testament which relates to both
real and personal Estate proved and on such application said
County Judge did as certain who were the heirs at law next of kin
of said testator and their respective residences and two of them Willington
Walrath and Clark Walrath appearing to the minors 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 interests
in the matter of proving said will by an order entered for that
purpose by said County Judge And said County Judge did thereupon
a Citation in due form of law directed to the said heirs next of kin
& special guardian by their respective names stating their respective
places of residence requiring them to appear before said County
Judge at the Court House in the village of Fonda on the 27th
day of April 1863 to attend the probate of said will.

And afterwards to wit on said 27th day of April satisfactory Evidence by affidavit was produced and presented to said County Judge, after the service of 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 afterwards that the said County Judge took the proofs of said will hereinafter set forth upon the said 27th day of April 1863 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 and testament and proofs are as follows that is to say
(will of William Walrath)

I William Walrath of the town of Palatine Considering the uncertainty of human life, and being of sound Mind & Memory and being desirous of disposing of my property for the benefit of my family, in a manner that is just & proper for a person who is an accountable being, do make and publish this my last will & testament in manner & form following that is to say)

I give and bequeath unto my beloved wife Lany her support and maintenance out of the homestead farm I now occupy, on the road leading from Stone Arabia to Fort Plain, and the farm now occupied by Josiah Walrath my third son, which farm I hereby give and bequeath to him his heirs and assigns subject however to the above support and such legacy as hereinafter specified.

I give and bequeath to my Eldest Son Jacob and my second son Peter my homestead farm where I now live as tenants in common subject to such legacies as are hereinafter specified to their heirs and assigns forever. Conditioned that if either should desire to sell he must offer the other what he will give or take if not accepted then continue to hold ^{in common} as before.

I give and bequeath unto my fourth son James H. Walrath the sum of three thousand Dollars two thousand of which is to be paid him by my said sons Jacob & Peter out of the proceeds of the farm devised to them and to be a lien thereon. and the remaining one thousand dollars to be paid by my son Josiah out of the farm devised to him and to be a lien upon the same.

I also give & bequeath unto Eliza Ann my only daughter the wife of Archibald Gray the sum of two hundred and fifty dollars to be paid in a reasonable time after my decease and the same to be paid by my son Jacob and to be a lien on his part of the farm hereby bequeathed. And lastly I as to all the rest residue of my Estate whether real or personal which God has blessed me with I give and bequeath unto my two eldest sons above named Jacob & Peter I also direct that in case of my decease before my said wife Lamy that she occupy the rooms where we now live in my house. And thereby appoint my two eldest sons Jacob & Peter

to Executors of this my last will and testament hereby revoking
all former wills by me made. In witness whereof I have hereunto set
my hand and seal the Eleventh day of November in the year of
our Lord one thousand Eight hundred and fifty Eight. William Walrath ¹⁸⁵⁸
Signed sealed published and declared by the above named William
Walrath to be his last will and testament in the presence of us who have
hereunto subscribed our names in the presence of the testator and by
his request. Thirty one words written on the margin on the first page
to come in at the star between "ever & I" & written before Execution.

P. Wetmore of Canajoharie N.Y. Jeremiah Postburgh Palatine
Surrogate Court County of Montgomery. In the matter of proving the last will of
William Walrath deceased. County of Montgomery. Pythagoras Wetmore of
the town of Canajoharie in the County of Montgomery being first duly sworn
before R. H. Ashby County Judge of the County of Montgomery as Surrogate do the
depose and say that he was well acquainted with the above named William
Walrath that he was present as a witness and did see him subscribe his
name at the end of the instrument now produced & shown to this deponent
bearing date the 11th day of November A.D. 1858 purporting to be the last will
and testament of said William Walrath. That the said deceased at the
time of making said subscription declared the said instrument to be his
last will & testament and requested the deponent to sign his name as a
witness thereto. Thereupon this deponent signed his name as a witness at
the end of said instrument. This deponent further says that said William
Walrath at the time he executed said instrument was a citizen of the

Walrath at the time he Executed said instrument was a citizen of the United States of full age of sound mind and memory and not under restraint and that this deponent saw Jeremiah Vasburgh the other witness to said will subscribe his name thereto as witness to the Execution thereof in the presence of & at the request of said testator P. Wetmore Subscribed & shown to before me the 27th day of April 1863 R. H. Leushy Mont County Jno Surrogate Court. County of Montgomery. In the matter of proving the last will of William Walrath deceased. County of Montgomery. Jeremiah Vasburgh of the town of Palatine in the County of Montgomery being first duly sworn before R. H. Leushy County Judge of the County of Montgomery as Surrogate doth depose and say that he was well acquainted with the above named William Walrath that he was present as a witness and did see him subscribe his name at the end of the instrument now produced and shown to this deponent bearing date the 11th day of November A D 1858 purporting to be the last will and testament of said William Walrath that the said deceased at the time of making said subscription declared the said instrument to be his last will and testament and requested this deponent to sign his name as a witness thereto thereupon this deponent signed his name as a witness at the end of said instrument This deponent further says that said William Walrath at the time he Executed said instrument was a citizen of the United States of full age of sound mind and memory and not under restraint and that this deponent saw Pythagoras Wetmore the other witness to said will subscribe his name