

To R. H. CUSHNEY, ESQ., County judge of the County of Montgomery.

THE PETITION of *Luke Walrath*.

RESPECTFULLY SHEWETH:

That lately, and on or about the *30<sup>th</sup>* day of *September* A. D., 1861,  
*Jacob Walrath* died at the town of *Canajoharie* in the  
county of Montgomery, being at the time of his death, an inhabitant of the said county of  
Montgomery: That the said *Jacob Walrath* deceased, left a  
certain instrument in writing, purporting to be his last Will and Testament,  
bearing date upon the *14<sup>th</sup>* day of *July* in the year of our Lord  
one thousand eight hundred and *fifty three*  
which relates to *both real and* personal estate, and in said instrument your  
petitioner is

named as an executor And which instrument, your petitioner verily believes  
to be the last Will and Testament of the said *Jacob Walrath* deceased: That  
the said *Jacob Walrath* died leaving the following persons him sur-  
viving, to-wit: *Daniel Walrath of Sullivan, Madison*  
*County. Joseph Walrath of the same town & County*  
*Jacob Walrath of Sharon Schoharie County*  
*Leonard Walrath of Canajoharie Montgomery County*  
*Gertrude Walrath of said town of Canajoharie*  
*Maria Walrath of said town Eliza Walrath*  
*of the same town. And your petitioner his children*  
*and Norman Van Alstine of the City of Albany*  
*Jacob Van Alstine of the same City. Mary Catharine*  
*Van Alstine of Minden Montgomery County & Squab*  
*wife of David Foster of the said town of Canajoharie children*  
*of her daughter Sally the wife of Nicholas A. Van Alstine of*  
*Canajoharie and Sally the wife of Nicholas A. Van Alstine of*

And who are all and the only heirs at law, and next kin of the said deceased: your petitioner  
therefore prays that a citation may issue to the heirs at law and next of  
kin to the said deceased, requiring them to appear before the said County Judge, as Surrogate at  
his office in the village of Fonda, in the county of Montgomery aforesaid, on the *16<sup>th</sup>*  
day of *December* A. D., 1861, at one o'clock in the afternoon of that day, to attend  
the probate of the said last Will and Testament of the said *Jacob Walrath*  
deceased, and that the said will may be proved and recorded as a Will relating to *both real*  
*and* personal estate, according to the forms of the statutes of the State of  
New York in such case made and provided, and your petitioner as in duty bound will ever  
pray, &c.

Dated the *22<sup>nd</sup>* day of *Nov.* A. D., 1861. *Luke Walrath*

STATE OF NEW YORK, }

COUNTY OF MONTGOMERY, }

The above named petitioner being duly sworn, upon his oath says that the facts  
stated and set forth in the above petition by him subscribed, are true, according to the best  
of his knowledge, information and belief, and further saith not.

Subscribed and sworn this *22<sup>nd</sup>* day of  
*November* A. D., 1861, before me, }

*R. H. Cushney*  
County Clerk

*Luke Walrath*