

It is remembered that on the 4th day of June 1864 James
Gentes one of the Executors named in the last will & testament
of Frederick Walrath late of the town of Muiden in the
County of Montgomery deceased appeared in open Court
before the County Judge of said County of Montgomery 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 ascertain who were the
proper parties to be cited, and did thereupon issue a citation
directed to the proper parties in due form of law returnable
on the 23rd day of July 1864. and on said 24th day of July satisfac-
tory evidence by affidavit was presented to said County Judge
of the due service of said citation in the mode prescribed
by law, and it appearing that one of the proper parties to
be cited is a minor a special guardian was appointed in
due form of law, and said special guardian having appeared
in person such proceedings were had that the said County
Judge took the proofs of said will hereinafter set forth
upon said 23rd day of July 1864 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 the proofs taken thereon are as follows
that is to say. will of Frederick Walrath.

I Fredrick Walrath of the town of Minden
in the County of Montgomery and State of New York being of
sound disposing mind and memory & understanding do hereby
make publish and declare this to be my last will & testament
as follows.

First I will order and direct that my wife Helena shall
have all my wearing apparel & furniture & all

my beds & bedding, and all my household furniture of every kind of which I shall die owner of. I will order and direct that my said wife shall reside in my house on my homestead and be well comfortably and amply clothed boarded, kept warm & washed for both in health and sickness all at the cost care and expense of my son John J. Walrath out of my estate hereinafter willed to him and further that my said son John J. shall pay to my said wife yearly and every year during her lifetime the sum of twenty five dollars in cash, my will is she must be fully maintained & taken care of.

Second. I give devise and bequeath unto my son John J. Walrath all my real and personal estate of which I shall die owner of wherever the same shall be subject to the bequests hereinafter and hereinafter named given.

Third. I bequeath to my daughter Ann Catharine now widow Hudson the sum of one thousand dollars in cash to be paid to her within one year after my decease with interest from my decease by my said son John J. Walrath out of my estate bequeathed & devised to him herein & above mentioned.

Fourth. My will is and so I bequeath to my Grand Children the Children of my deceased son Moody the sum of twenty five dollars in cash to each of them viz. Lamy, James, Edward, Eliza Ann, Mary Jane to be paid to them by my son John J. out of my estate willed to him.

First. I hereby nominate and appoint my Friends Henry
C. Sanders and James Genter Executors of this my last
will and testament and I do hereby revoke all former
wills and testaments by me made.

In witness whereof I have herewith subscribed my name
this twenty sixth day of December one thousand Eight hundred
and Sixty three and affixed my seal Fredrick Walrath Esq;
The above instrument was subscribed and signed by the above
named Fredrick Walrath in our presence and in the presence
of each other and he at the same time declared it to be his
last will and testament and requested us to sign our
names as subscribing witnesses

Henry P. Sproule Midway Montgomery Co
John P. Grant Midway Montgomery Co.
State of New York.

Montgomery County, Surrogate Court,
In the matter of proving the will of Frederick Walrath deceased,
Montgomery County, for Henry P. Sponable of the town of
Minden in the County of Montgomery and John P. Grant
of the town of Ellersden in the County of Montgomery
being duly sworn & examined in open Court before George
Yost County Judge of said County, as surrogate do depose
and say, and each for himself deposeth and saith
that he was acquainted with Frederick Walrath in his
life time, and was present and saw the said Frederick
Walrath subscribe his name at the end of the instrument

in writing now produced and shown bearing date the 26th
day of December 1863. That the said Frederick Walrath at the
time he so subscribed it declared the said instrument to
be his last will and testament and requested these deponents
to subscribe their names as witnesses at the end of said in-
strument to the Execution thereof thereupon these deponents sub-
scribed their names as witnesses at the end of said instrument
in the presence of the said Frederick Walrath and of each
other. That the said Frederick Walrath at the time he so
executed the said instrument was a citizen of the United
States an inhabitant of the County of Montgomery of full
age of sound and disposing mind and memory and in all
respects competent to devise real estate and not under any restraint
or in any respects incompetent to devise real estate.

Taken subscribed & sworn this 23rd day

Henry P. Spornale

of July 1864 before me

John P. Grant

George Post County Judge

I George Post County Judge of the County of Montgomery
as Surrogate do Certify that the foregoing are true
Copies of the will probate & proofs thereof of Frederick
Walrath deceased

Registered July 23rd 1864.

George Post
County Judge