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Martin Walrath*

General Index to Wills and Proceedings
Wills: Book 18 pages 415, 416
Probated- December 6, 1886
Date of death: April 3, 1885

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Be it remembered, that heretofore, to wit, on the 24th day of November 1886 Julia A. Walrath the Executrix named in the last will and testament of Martin Walrath late of the town of St. Johnsville in the county of Montgomery, deceased, appeared in open court before Gerah Westbrook Surrogate of said county, and made application to have the said last will and testament, which relates to real and personal property, proved; and on such application the said Surrogate did ascertain by satisfactory evidence who were the widow heirs at law and next of kin of said testator and their respective residences; and the said Surrogate did thereupon issue a citation, in due form of law, directed to the said heirs at law and next of kin by their respective names, stating their respective places of residence, requiring them to appear before said Surrogate at his office in the village of Fonda on the 6th day of December 1886 to attend the probate of said will. And afterwards, to wit, on the said 6th day of December 1886, satisfactory evidence by affidavit was produced and presented to the said Surrogate of the due service of said citation in the mode prescribed by law, and on that day the said Surrogate appointed John D. Wendell Esq. a Special Guardian for such of the heirs at law and next of kin of said deceased as are _____ and he having duly appeared and no one appearing to oppose the probate of said will, such proceedings were thereupon had afterwards that the said Surrogate took the proof of said will hereinafter set forth upon this 6th day of December in the year one thousand eight hundred and eighty-six; and he adjudged the said will to be a will valid to pass real and personal property, and the proofs thereof to be sufficient, which said last will and testament and the proofs thereof are as follows, that is to say:

The Will of Martin Walrath

In the name of God Amen!

I Martin Walrath of the town of St. Johnsville in the county of Montgomery and State of New York of the age of seventy (70) years, and being of sound mind and memory do make publish and declare this my last will and testament in manner following that is to say: First, I give and bequeath to my wife Julia Ann Walrath all of my real estate lands hereditaments and appurtenances thereto belonging or in any wise appertaining of which I am now possessed. Second, I give and bequeath all of my personal Estate goods and chattels of whatever name nature or kind _____ of which I am now possessed to my said wife Julia Ann Walrath whom I hereby appoint sole executrix of this my last Will and Testament. In witness whereof I have hereunto set my hand and seal this 4th day of September in the year of Our Lord One thousand eight hundred and eighty four.

M. Walrath [L. S.]

The above instrument consisting of one sheet was at the date thereof declared to us by Martin Walrath the testator therein mentioned to be his last Will and testament and he at the same time acknowledged to us and each of us that

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he signed and sealed the same and we thereupon at his request and in his presence and in the presence of each other signed our names thereto as attesting witnesses.

M. Walrath, Jr. St. Johnsville Mont.

Co. NY

Adam Walrath St. Johnsville Mont.

Co. NY

State of New York

County of Montgomery. Ss

SURROGATE'S COURT

In the matter of proving the will of Martin Walrath, deceased.

Martin Walrath, Jr. of the town of St. Johnsville in the county of Montgomery, and Adam Walrath of the town of Ephratah in the county of Fulton NY being duly sworn and examined in open court before Gerah S. Westbrook Surrogate of said county, do depose and say, and each for himself deposes and saith that he was acquainted with Martin Walrath in his life time, and was present and saw the said Martin Walrath subscribe his name at the end of the instrument in writing now produced and shown, bearing date the 4th day of September 1884; that the said Martin 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 to the execution thereof. Thereupon these deponents subscribed their names as witnesses at the end of said instrument in the presence of the said Martin Walrath and of each other. That the said Martin 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, and was in all respects competent to make a valid will. And the said Martin Walrath, Jr. for himself further separately says that he drew said will for the testator at his request according to his directions and just as he desired it and the same has not in any respect been altered or changed since the execution thereof.

Taken, subscribed and sworn this 6th day

Martin Walrath, Jr.

Of December 1886, before me,:

Adam Walrath

G. S. Westbrook Surrogate

I, Gerah S. Westbrook Surrogate of the county of Montgomery, do hereby certify that the foregoing are true copies of the will, probate and proof thereof of Martin Walrath deceased.

Registered the 6th day of December 1886