

**Be it Remembered,** that heretofore, to wit, on the *Seventeenth* day of *September* 189*2*  
*Fred Walbratte and George Zimmerman* the Executors  
named in the last will and testament of *John J. Walbratte* late of the town of  
*Blinden* in the county of Montgomery, deceased, appeared in open court before

*Law John D. Wendell* 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 persons  
in being who would take an interest in any portion of real or personal property under the provisions of the will, and the Executors or Trustees  
named or described therein, and their respective residences and the said Surrogate did thereupon issue a citation, in due form of law, directed  
to the said *widow* persons aforesaid by their respective names, stating their respective places of residence, requiring them to appear  
before said Surrogate at his office in the *City* of *Frederick* on the *3d* day of *October* 189*2*,  
to attend the probate of said will — And afterwards, to wit, on the said *third* day of *October* 189*2*,  
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 *proponents appearing by D. C. Shultz their attorney*

no one appearing to oppose the probate of said will, — such proceedings were thereupon had afterwards that the said Surro-  
gate took the proof of said will — hereinafter set forth upon this *third* day of *October* in the  
year one thousand eight hundred and ninety *two*; 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

*John J. Walbratte.*

*I John J. Walbratte of the town of Blinden County of Montgomery  
and State of Maryland, being of sound mind & memory do make  
ordain publish and declare this to be my last will and testament that*

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is to say - <sup>1</sup> First. After all my lawful debts are paid and discharged

I give devise and bequeath to my wife Maria Walrath the sum of Six Hundred dollars. Also give & bequeath to her all my household furniture useful and ornamental including all articles generally used in housekeeping. I also give and bequeath to her her support and maintenance upon my homestead farm situate in the town of Maiden New York. as hereinafter directed to be supported by my son Charles Second. I give devise & bequeath to my son Frederick Walrath the farm now occupied by him and containing about 87 acres situate in the town of Maiden New York together with all my live stock farming utensils implements & machinery thereon.

Third. I give and bequeath to my son Charles Walrath my homestead farm containing about Eighty seven acres of land situate in said town of Maiden upon which I now live together with all my live stock farming utensils & implements & machinery thereon. subject however to the support and maintenance

of my said wife by my said son Charles as herein directed to be supported by him

Fourth, I also give & devise to my said son Charles, a wood lot situate in said town & village & containing about 15<sup>1</sup>/<sub>2</sub> acres of land. But as my said son Charles is to allow my said son Frederick free use & enjoyment of said wood lot for three winters use, or, should my said son Charles die leaving no children surviving him then and in that case & give and devise said homestead farm & wood lot to my surviving children in equal shares, subject however to my said wife's rights as herein given to her.

Fifth, I give & bequeath to my daughter Helen Zimmerman wife of George Zimmerman Two thousand dollars.

My family burial ground on my homestead farm I reserve for my family use, and the right of access to and from the same for my said wife & children and my relatives and my grand children.

Sixth, I order and direct that in case my personal property now in my possession before bequeathed should be insufficient to pay the legacy to my said wife & my said daughter then the deficiency shall be made up by my said son in the following manner viz: Charles to pay two thirds of said deficiency and Frederick to pay the remaining one third thereof, and in case there should be a surplus of such personal property then I give and bequeath the same to my said wife & Helen.

Seventh, I also give and bequeath to my said wife such necessary rooms in my homestead dwelling house as she may desire for her individual use, together with the free and uninterrupted right of access to and from the same, and the right of access to all parts of the house, yards, gardens, out buildings and free use of the well & cistern water in common with my said son Charles and his family.

Eighth, I order and direct my said son Charles to support & maintain my said wife on my said homestead farm, board her & his family

table furnish her with all necessary fuel for use prepared & delivered  
in her rooms, do her washing & ironing, keep her rooms in order when  
not able to do so herself. furnish her with all necessary wearing  
apparel and under wear suitable for a person of her age, and such  
fruit as she may desire for her own use if grown upon the premises  
also furnish her with medical aid and a good nurse in case of  
sickness. furnish her with a kind & gentle horse a good buggy or cutter  
with driver robes & blankets when in a snow storm, and show her  
such kindness as a kind son ought to show an aged parent.

Also Order & direct that in case my son Frederick desires to use my grain  
wagon that he be permitted to do so.

Like wise I make constitute and appoint my son Frederick Walrath  
and my son in law George Zimmerman to be executors of this  
my last will and testament hereby revoking all former wills  
by me made.

In Witness Whereof, I have hereunto subscribed my name  
and affixed my seal the 24<sup>th</sup> day of June in the year one thousand  
Eight hundred and ninety two.

J. J. M. 1892

The above instrument consisting of one sheet was at

the date thereof subscribed & acknowledged by me in the presence of

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open and read a paper in at the time of making such subscrip-  
tion acknowledged that he understood the same & declared the in-  
strument so subscribed by him to be his last will & testament & executed  
thereat his request & in his presence & in the presence of each other  
subscribed our names as witnesses thereto.

Willis E. Dieffendorf residing at Post Plain N.Y.  
C. W. Edwards residing " " " "

State of New York, }  
County of Montgomery. } ss.

SURROGATE'S COURT.

IN THE MATTER OF PROVING THE WILL  
OF  
\_\_\_\_\_  
Deceased.

Charles W. Edwards of the village of Post Plain in the county  
of Montgomery, and Willis E. Dieffendorf of the village of  
Post Plain in the county of Montgomery being duly sworn and examined  
in open court before our Surrogate of said county, do depose and say, and each for  
himself deposeth and saith that he was acquainted with John J. Maltratt in his life time, and was present  
and saw the said John J. Maltratt subscribe his name at the end of the instrument in writing now  
produced and shown, bearing date the 24<sup>th</sup> day of June 1892; that the said John J. Maltratt  
at the time he so subscribed it, declared the said instrument to be his last will and testament, and

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 *John J. Maltratt* and of each other. That the said *John J. Maltratt* 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~~ *D. C. Shultz* ~~deponent~~ 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 been in deponent's custody ever since the execution thereof, and the same has not in any respect been altered or changed.

Taken, subscribed and sworn this *3<sup>d</sup>* day  
of *October* 189*2*, before me }

*Willis E. Dieffendorf*  
*C. C. Edwards*  
*D. C. Shultz*

*J. W. Wendell* Surrogate.

I *John W. Wendell* Surrogate of the county of Montgomery, do hereby certify that the foregoing are true copies of the will, probate and proof thereof of *John J. Maltratt* deceased.

Registered the *3<sup>d</sup>* day of *October* 189*2*. *J. W. Wendell* Surrogate.