

**Abstract of
The Application of Josiah Walrath To Prove The Will of William Walrath
and
The Will of William Walrath**

Application of Josiah Walrath To Prove The Will of William Walrath (abstract)

On April 14, 1863, Josiah Walrath applied to the Surrogate Court in the Town of Palatine, to prove his Father's will. The court appointed a special guardian to represent the interests of two minors, Wellington Walrath & Clark Walrath. The court also sent notice to the next of kin (not named) to appear in court on April 27, 1863. Thereafter, on the appointed date, affidavits were presented to the court as to who the heirs were.

Will of William Walrath (abstract)

I give to my eldest son, Jacob, and my second son, Peter, my homestead farm where I now live, as tenants in common.

I give to my fourth son James H. Walrath the sum of \$3,000.00, the sum of \$2,000.00 to be paid by my sons, Jacob & Peter after the proceeds of the farm devised to them and take a lien thereon. The sum of \$1,000.00 to be paid to James by my son Josiah out of the farm devised to him and to be a lien thereon.

I give to my only daughter, Elizabeth, wife of Archibald Gray, the sum of \$250.00, to paid within a reasonable time by my son Jacob and to be a lien on the farm bequeathed to him.

The rest of my estate, both real and personal, I give to my sons, Jacob & Peter, to provide for my wife, Lany, in case I predecease her.

November 11, 1858.

Note: Wellington & Clark Walrath were the sons of Peter. It is probable that William's son, Peter was dead by April 14, 1863, when the application was made to prove the will. Otherwise, Wellington & Clark Walrath would have had no interest in the will and the court would not have appointed a special guardian to represent them.

See the 9/13/1858 deed of William Walrath to Josiah Walrath of 120 acres partly in Palatine & Town of Ephrata (Montgomery Co., N.Y. Book No. 70, Page 485-486)