

## Probate Record

Frederick Roat (1774-1858)  
of Crawford, Orange County, New York

County of Orange, }  
SURROGATE'S COURT

To John Leslie Russell Surrogate of  
the County of Orange: The petition and examination of Marcus E. Rumpf

of the town of Crawford in the County of Orange respectfully showeth that  
Frederick Root late of the town of Crawford in the County  
of Orange, deceased, departed this life, at the said town of Crawford on the fourteenth  
day of June in the year one thousand eight hundred and fifty eight, having previously  
as your petitioner is informed and believe<sup>d</sup> duly made and executed his last will and testament,  
bearing date on the eighteenth day of February in the year one thousand eight  
hundred and fifty five

that your petitioner John P. Rumpf is the Executor named in the said will; that the said deceased was a  
citizen of the United States; that he was at or immediately previous to his death, an inhabitant of the said  
County of Orange; and that the said last will and testament relate to  
personal estate:

Your petitioner further shows that the heirs and next of kin of said deceased are Robert  
Root his widow, Mary Root his son  
Mary E. his daughter, of the town of  
Crawford aforesaid, Science Root  
his daughter of the town of Hatfield  
in said County of Orange, Myron Root of  
Maine in the County of Passaic & State of  
New York, Swiss Root in the County of Genesee  
in the State of Michigan, David Root of West  
Blomfield in the County of Michigan, and  
Ernest Root, John Root, David Root, John  
Root & Robert Root children of his deceased  
son Solomon Root all of the town of Crawford  
of the State aforesaid the children of Frederick Root his deceased  
son I cannot find who they are I have made diligent inquiries for them  
that the said heirs and next of kin are all of full age except the said Mary E. Root, John  
Root Robert Root

who are minors, under the age of twenty-one years, having no general guardian.  
Your petitioner further shows that he is informed and believe that the Surrogate of the County  
of Orange has jurisdiction to take proof of the said last will and testament and  
over the Executors thereof, and the power of granting Letters testamentary on the probate thereof, with all  
powers incidental thereto, and that he is desirous that such proof should be taken and  
such letters granted, and that such further and other proceedings should be had in the premises, as may be  
legal and proper. Your petitioner therefore prays that the said Surrogate will be pleased to appoint a  
special guardian for the said Mary E. Root John Root Robert Root

to take care of their interests in the premises; and that a citation may issue out of and under the seal of this  
Court, to be directed to the proper persons, pursuant to the statute in such case made and provided, requiring  
them and each of them, at such time and place as shall be in the said citation mentioned, to appear and attend  
the probate of the said last will and testament as a will of personal estate,  
and that such further and other proceedings in the premises should be duly had as may be requisite to the proving  
and recording of the said last will and testament, and the granting probate and letters testamentary thereof.

And your petitioner will ever pray, &c.  
Dated August 13 185 8

Marcus E. Rumpf, Esq.

COUNTY OF ORANGE, SS: On this \_\_\_\_\_ day of Aug 13 1858 appeared before me Marcus E Rumph the petitioner named in the foregoing petition and examination, who being by me duly sworn and examined, did depose and say that he has had read the said petition and examination by him subscribed, and knew the contents thereof; that the same was true of his own knowledge, except as to the matters therein stated to be on information and belief, and as to those matters he believed it to be true.

Spoke to this 13 Day of August 1858 Before Henry Mole

Marcus E Rumph Esq.

Justice of the peace in and for Orange County

Filed Aug 18. 1858

Surrogate's Court

In the matter of moving the said ~~William~~ & ~~testament~~

of Frederick Post acc'd  
Petition

Cit. Ret. Oct. 12. 1858

Filed Aug 18. 1858

Surrogates Court. - At a Surrogates Court held at the Surrogates Office in the Village  
of Rusher, in and for the County of Orange, on the eighteenth day of  
August one thousand eight hundred and fifty eight.

Present John G. W. Bennett, Surrogate.

In the matter of proving the  
last Will and Testament

of  
Wendrick Boat, deceased.

as a Will of personal Estate. (On reading and filing the petition and exami-  
nation of Marcus E. Rumphs, one of the Executors named in the  
last Will and Testament of Frederick Boat late of the town of Brau-  
ford in the County of Orange deceased, propounding the said last

will and Testament of the said Frederick Roak deceased, dated the eighth day of February 1853, for probate as a Will of real and personal Estates and its appearing from said petition and examination that Mary E. Roak, John Roak, and Robert Roak, heirs and next of kin of said deceased are minors under the age of twenty one years, having no general guardian; and on reading and filing the Consent of Benjamin H. Duryea, an Attorney at Law to be appointed and serve as the special guardian of the said minors for the sole purpose of taking care of their interests in this matter, it is ordered that the said Benjamin H. Duryea, he and he is hereby appointed the special guardian of and for the said minors to take care of their interests in this matter.

Jacob M. Cornell Surrogate,

Surrogate's Court - An Surrogate's Court held at the Surrogate's Office in the Village of Tashen, in and for the County of Orange on the eighteenth day of August, one thousand eight hundred and fifty eight.

Present Jacob M. Cornell, Surrogate.

In the matter of proving the last will and Testament

of Frederick Roak, deceased,

as a will of personal Estate. On reading and filing the petition and examination of Abner S. Rumph one of the Executors named in the last will and Testament of Frederick Roak late of the town of Brauford in the County of Orange, deceased, propounding the last will and Testament of the said Frederick Roak, deceased, dated the eighth day of February 1853 for probate as a Will of personal Estate, it is ordered that a Citation issue to the proper persons pursuant to the prayer of the said petition requiring them to appear in this Court at this place on the twentieth day of October next at ten o'clock in the forenoon of that day and attend the probate of the said will as a will of personal Estate.

Jacob M. Cornell, Surrogate,

Whereupon in pursuance of the said Order or Citation was issued which said Citation, the proof of the due service thereof, endorsed thereon, and annexed thereto, and to a printed copy thereof, and the proofs of the due execution and publication of the said last will and Testament are as follows, to wit:

The People of the State of New York, Levi Hannist Root, Marcus Root, Hiram Root, James Root, and David Root, residing in the Town of Crawford in the County of Orange, in said State, Lavina Decker, residing in the Town of Montgomery in said County, Hiram Root, residing in Maine in the County of Knox in said State, Levi Root residing in said County in the State of Michigan, David Root residing at West Bloomfield in Seneca County, aforesaid, Benjamin H. Durjoy, residing at Goshen in said County of Orange the Special Guardian of Mary E. Root, John Root, and Robert Root, minors residing in the Town of Crawford, and is the next of kin and personal representatives of Jeremiah Root, deceased a Son of Frederick Root late of the Town of Crawford deceased, the respective names and places of residence of said next of kin & personal representatives being unknown, the next of kin of said Frederick Root late of the Town of Crawford in the County of Orange, deceased, Greeting, — You are hereby cited to be and appear before the Surrogate of the County of Orange, at his Office in the Village of Goshen in said County, on the Twelfth day of October next, at ten o'clock in the forenoon of that day, to attend the probate of a certain instrument in writing purporting to be the Last Will and Testament of said deceased, bearing date the Eighth day of February in the year of our Lord one thousand eight hundred and fifty three, in the application of Marcus E. Rumpf, claiming to be one of the Executors thereof, which said will relates to, and is offered for probate as a Will of personal Estate.

In Testimony Whereof, we have caused the seal of Office of aforesaid Surrogate of the County of Orange, to be hereunto affixed;  
 Witness John C. McConnell Surrogate of said County at Goshen in said County, the eighteenth day of August, in the year one thousand eight hundred and fifty eight.  
 J. C. McConnell, Surrogate.

Orange County, ss. Marcus E. Rumpf of said County being duly sworn doth depose and say that he personally served the Citation hereto annexed on Hannist Root, Marcus Root, Hiram Root, James Root, and David Root, and Lavina Decker, residents of said County, & therein named by delivering to each of them personally a true copy thereof, & at the same time showing to them the original, that such service was made on said Hannist Root, Marcus Root, Hiram Root, James Root, and David Root, on the third day of September last and on Lavina Decker, on the 4<sup>th</sup> day of September last.

Subscribed and sworn before me

this 12<sup>th</sup> day of September, 1858

J. C. McConnell,  
 Surrogate

Marcus E. Rumpf  
 Executor

I Admit due service of the within Citation.

H. F. Dwyer, Special guardian,

Brown County }  
 John A. Ball, being duly sworn, says he personally served the within Citation on Reiram Boat, therein named by delivering to him a true copy thereof on the 6<sup>th</sup> day of September 1858

Sworn and subscribed before  
 me this 6<sup>th</sup> day of Sep. 1858.

John A. Ball,

J. A. Ball, Justice of the Peace of said County.

State of New York,

City & County of Albany }  
 Geo. W. Linn, being duly sworn, says that he is a Horseman in the Office of the Albany Evening Journal, the State paper, published in the City of Albany, and the Notice of which he annexed is a printed copy, has been regularly published in said Albany Evening Journal, once in each week for six weeks successively, commencing on the Thirtieth day of Oct. 1858.

Geo. W. Linn,

Commissioner of Deeds

Geo. W. Linn, Kersh,

Surrogate's Court

In the matter of proving the  
 last will and Testament

of

Frederick Root, deceased, State of New York

as a will of personal Estate, County of Orange }  
 David Root, having

personally appeared before the surrogate of said County, this 12<sup>th</sup> day of October 1858, and having been duly sworn by & before the said Surrogate, in the above entitled matter, testifies as follows, viz:

I reside in the Town of Crawford in the County of Orange, I am a son of Solomon Root, late of the town of Crawford, in the County of Orange, deceased, whose name is subscribed as an attesting and subscribing witness to the instrument now shown me purporting to be the last will and Testament of Frederick Root late of said town of Crawford, deceased bearing date the eighth day of February, one thousand eight hundred and fifty three. I am well acquainted with, my father, the said Solomon Root's hand writing, having seen him write frequently - The signature "Solomon Root" subscribed to said Will now shown me as an attesting and subscribing

witness, I verily believe to be his genuine hand writing and signature— The said Solomon Boat departed this life on the 24<sup>th</sup> day of April, 1856.

Sworn examined & subscribed

David Boat.

before me this twelfth day of October, 1858

John B. McConnell, Surrogate

Surrogate's Court.— At a Surrogate's Court held at the Surrogate's office in the Village of Goshen in and for the County of Orange, on the twelfth day of October, one thousand eight hundred and fifty eight.

Present John B. McConnell, Surrogate

In the matter of proving the last will and Testament

of  
Frederick Boat, deceased,  
as a Will of personal Estate

satisfactory proof by affidavit having been made and filed of the due service of the citation in this matter on the proper persons requiring them to be and appear in this Court this day and attend the probate of the last will and Testament of Frederick Boat, late of the Town of Connersford in the County of Orange, deceased, bearing date the 8<sup>th</sup> day of February one thousand eight hundred and fifty three, as a Will of personal Estate, and Marcus G. Rounph, the petitioner herein and the Executors named in said Will having appeared in support of the proof of said Will, and no other person appearing produced David Boat as witness who was thereupon duly sworn and examined by and before the said Surrogate, and thereupon on motion of said Executor it is Ordered that this matter be and the same is hereby adjourned to the eighth day of November next at ten o'clock in the forenoon of that day at this place to take further proof herein.

John B. McConnell, Surrogate

Which said further proof of the due execution and publication of the said last will and Testament and the said last will and Testament are as follows, to wit.

Orange County Surrogate Court.

In the matter of proving the last will and Testament

of  
Frederick Boat, deceased, State of New York  
as a Will of personal Estate, Orange County } Lt. Hugh B. Bull,  
of the Town of Montgomery in the County of Orange, having on



This eighth day of November in the year one thousand eight hundred and fifty eight personally appeared before John C. Wilbournell, the Surrogate of the County of Orange, and being by the said Surrogate duly sworn and examined deposes and says, that he was well acquainted with Frederick Root, late of the town of Crawford, in said County of Orange, deceased. And the deponent further says that he and Solomon Root were present as witnesses and did see the said Frederick Root now deceased, by making his mark, to his name subscribe, at the end thereof, the instrument now produced and shown to the deponent purporting to be the last will and testament of the said Frederick Root deceased, bearing date the eighth day of February, in the year one thousand eight hundred and fifty three, that such subscription was made by the said Frederick Root, now deceased, in the presence of this deponent and said Solomon Root the attesting witnesses to said will. That the said Solomon Root at the same time declared to this deponent & said Solomon Root, the instrument so subscribed by him to be his last will and testament. Whereupon this deponent and said Solomon Root each for himself signed his own name at the end of the said will at the request of the said Frederick Root now deceased, and that the said Frederick Root at the time of executing and publishing the said last will and testament was of full age of sound mind & memory, and not under any restraint and was a citizen of the United States. And this deponent further says that he wrote said will, at the request of said deceased, and according to his directions, that before it was executed as aforesaid, this deponent read the same to said deceased carefully & distinctly that said deceased thereupon requested this deponent to subscribe his said deponent's name thereto, that this deponent thereupon subscribed said deceased's name thereto, whereupon the said deceased made his mark thereto, and that said will remains the same now as when executed without change or alteration.

Sworn Examined & subscribed

J. B. Bull.

before me this 8<sup>th</sup> day of Nov. 1858

John C. Wilbournell, Surrogate

I, Frederick Root of the town of Crawford in the County of Orange, & State of New York, being of sound mind & disposing memory do make publish and declare this my last will and testament (hereby revoking all former wills I may have made) As follows.

My will is that my just debts & funeral expenses be paid out of my property.

Second. My will is that all my property over and above what is first above mentioned, be at my decease equally divided between my wife Harriet and my daughter Mary E. by my said wife Harriet share and share alike, my wife Harriet to have the use of my daughter's share until she arrives at the age of twenty one years, my wife to support and maintain my daughter till that time.

Lastly. I do hereby constitute and appoint my friend Marcus Rump & John S. Sammons, the Executors of this my last Will and Testament; In witness whereof I have hereto set my hand & seal this eighth day of February, 1858.

Fredrick <sup>his</sup> Boat <sup>mark</sup>

The above instrument was now here signed by the testator in the presence of each of us which instrument at the same time the testator declared to be his last Will & Testament, and we at his request sign our names hereto as attesting witnesses

W. B. Bull, <sup>Montgomery</sup> Orange Co. N York.  
Solomon Boat, <sup>Concord</sup> " " " "

Surrogate's Court. At a Surrogate's Court held at the Surrogate's office in the village of Poshon, in and for the County of Orange, on the eighth day of November one thousand eight hundred and fifty eight.

Present John C. McConnell, Surrogate

In the matter of proving the last will and Testament

of Fredrick Boat, deceased

as a Will of personal Estate. Satisfactory proof by affidavit having been heretofore made and filed of the due service of the citation heretofore issued in this matter, on the proper persons requiring them to appear in this Court at this place on the 12<sup>th</sup> day of October last and attend the probate of the last Will and Testament of Fredrick Boat late of the town of Concord in the County of Orange, deceased, dated the eighth day of February one thousand eight hundred and fifty three as a will of personal estate, and Marcus E. Rumpf, the petitioner herein & Executor in said Will named having appeared in support of the proof of said Will; & Benjamin H. Duryea, the special guardian of Mary E. Boat, John Boat & Robert Boat minors, having appeared to take care of their interests, & after hearing & taking the proofs offered by said Executor, this matter having been duly adjourned to this day

and the said parties having appeared this day, and no other parties or persons having appeared in this matter, the said Executor produced Hugh B. Beeth, one of the attesting witnesses to the said last Will and Testament and the proofs and examinations of said attesting witnesses, having been duly taken and heard, and after hearing the proofs and allegations of the said persons so appearing as aforesaid, and the said Benjamin H. Dwyer, Special guardian as aforesaid, having submitted the rights and interests of the said minors, to the care and discretion of this Court, and due deliberation being thereon had, and it appearing upon the proof taken, that the said last will and Testament, was duly executed, that the testator at the time of executing the same, was in all respects competent to devise real estate, and not under restraints, and the Surrogate being satisfied of its genuineness and validity, it is adjudged and decreed and the Surrogate by virtue of the power and authority in him vested, doth adjudge and decree, that the said last will was duly executed, that the same is genuine, and valid, that the said last will and Testament, and the proofs and examinations taken in respect to the same be recorded, that the said last will and Testament be admitted to probate, and that the same be and hereby is established as a will of personal estate, and it is further ordered, that Letters Testamentary on the probate thereof, be and the same are hereby granted to the said Alexander G. Rumph, the Executor therein named, he first taking the oath required by Law.

Orange County }  
 Surrogate's Office }

I hereby certify the preceding to be a true record of the last will and Testament of Frederick Boat late of the town of Newford in the County of Orange deceased, and of all the proceedings had in relation to the proof thereof as a will of personal estate.