

Eighth: I hereby give and bequeath unto the Widows and Orphans Society of which I am a member and which meets at the Biederbrants Hall, the sum of three thousand dollars.

Ninth: I hereby give and bequeath unto the Peoples Home for old people of North Bergen, N. J. of which I am also a member the sum of three thousand dollars.

Tenth: I hereby give and bequeath unto the Wartburg Orphan Asylum situate at Fordham the sum of three thousand dollars.

Eleventh: I hereby give and bequeath unto the German Hospital situate in Manhattan, New York City, the sum of Two thousand dollars.

Twelfth: I hereby give and bequeath the sum of one thousand dollars to Fritz Walter, son of Philip Walter.

Thirteenth: I hereby nominate and appoint my friends Philip Walter, Otto Bierling and Jacob Schmitt to be the executors of this my last will and testament, hereby giving them full power and authority to sell any and all of my real estate and give good and sufficient deeds of conveyance thereof and to pay over the proceeds thereof as heretofore directed. I direct that my said executors turn over to my friend Anna Wintjen my music box to whom same is hereby given and bequeathed.

In Witness Whereof I have hereunto set my hand and seal this twenty-fifth (25th) day of January 1904.

Augusta Eidner (seal)

The foregoing instrument was at the date thereof, signed, sealed, published and declared by Augusta Eidner the testatrix as and for her last will and testament in our presence who at her request in her presence and in the presence of each other, have subscribed our names as witnesses.

Dora Mayerhofer, 771 East 170th Str.

Comie Wintjen, 42 West 120th Str.

Theodore Sattler, 153 E. 49th Str. N. Y.

At a Trial Term of the Surrogate's Court of the County of New York held at the County Court House in the Borough of Manhattan City of New York on the 18th day of April 1904

Present Hon. Abner L. Thomas Surrogate.

In the Matter of the Probate of the Last Will and Testament

of Augusta Eidner, deceased. As a Will of Real and Personal Property

Otto Bierling having heretofore filed his petition

herein on February 11th 1904 praying for the probate of a certain instrument in writing made and executed by Augusta Eidner, deceased, bearing date January 25th 1904 purporting to be the last Will and Testament of said deceased relating to both real and personal property, and a citation having been thereupon duly issued out of this Court on February 11th 1904 directed to Christian Runday, Augusta Borall, Harriet Runtzler, Jane Smith, Gertrude Runtzler, Emma Runtzler, and Nicholas Runtzler, citing each of them to appear before the surrogate at his office in the County of New York on the 2nd day of March 1904 and then and there to attend the probate of the said Last Will and Testament of said deceased, and the said citation having been duly served on all of the parties named therein and it appearing that Herman Anstadt August Anstadt and Fritz Walter legatees under the Will of said deceased, are infants and William J. Gibroy, Esq. was duly appointed the Special Guardian to represent them in this proceeding and that Nicholas Runtzler also known as Nicholas Runder a legatee under the Will of said deceased, is also an infant appearing herein by Alexander Fenwick, as his General Guardian, and Seymour Mork, having been duly appointed the Special Guardian for him in this proceeding and Augusta Borall one of the legatees and heirs at law of said deceased having duly appeared herein by Andrew F. McLean Esq. as her attorney and who filed and answer herein contesting the probate of said Last Will and Testament of said deceased and opposing the same upon the grounds:

- I. That the paper writing bearing date the twenty fifth day of January 1904 and purporting to have been executed on that day, is not the Last Will and Testament of said decedent.
- II. That the said alleged Will was not duly executed by the said Augusta Eidner deceased, that she did not publish the same as her Last Will and Testament in the presence of the witnesses whose names are subscribed thereto that she did not request the said witnesses to be witnesses thereto and that said alleged witnesses did not sign as witnesses in her presence or in the presence of each other.
- III. That on the said twenty fifth day of January 1904 the said decedent, Augusta Eidner, was not of sound mind or memory, or mentally capable of making a Will.
- IV. That the said paper writing was not freely or voluntarily made or executed by the said Augusta Eidner as her Last Will and Testament but that the said paper writing purporting to be her Last Will was obtained, and the subscription and publication thereof if it was in fact subscribed and published by her, were procured by fraud or undue influence practiced upon the decedent.