

FULL PROBATE OF JACOB ZIMMERMAN

Somerset County, Pennsylvania
This 27th day of May A.D. 1835

Personally came before me, Chauncey FORWARD, Register for the Probate of Wills and Granting Letters of Administration in and for the County aforesaid, Martin HALTERBAUN, who being duly sworn doth depose and say that he is well acquainted with the hand writing of John ANAWALT, one of the subscribing witnesses to the written will, that he has often seen him write his name and that the name of John ANAWALT is in the proper handwriting of said John ANAWALT as a witness to the written Will. [signed] Martin HALTERBAUN

Sworn and subscribed before me
this 27th day of May 1835
C. FORWARD, Register

**Last Will and Testament
of Jacob ZIMMERMAN**

Filed, Proven and Registered
27th day of May 1835
C. FORWARD, Register

Know all men by these presents that I, John KURTZ of Somerset Borough, Executor named in this written Will have renounced, released and quit claim, and by these presents do renounce, release and quit claim all my rights and title to the Executorship and to the Administration of goods and chattel rights and credits whatsoever of the said Jacob ZIMMERMAN, deceased. Witnesseth my hand and seal this 27th day of May 1835.
[signed] John KURTZ
Witness present: Wm. PHILZONE

(Somerset Co., Pennsylvania Wills, Vol. 3 p. 182):

**WILL
Jacob ZIMMERMAN
deceased**

In the name of God Amen. I **Jacob ZIMMERMAN** of Somerset Township in the County of Somerset and Commonwealth of Pennsylvania, being of good health of body and of sound and disposing mind and memory (praised be God for the same) and being desirous to settle my worldly affairs whilst I have strength and capacity so

do, do make and publish this my Last Will and Testament hereby revoking and making void all former wills by me at any time heretofore made, And first and principally, I commit my soul unto the hands of my Creator who gave it and my body to the at the discretion of my Executor hereinafter named and also such worldly estate wherewith it hath pleased God to bless me in this life. I give and dispose of the same in the following manner to wit: all my estate of what kind and nature so ever, the same may be in the County of Somerset aforesaid or elsewhere, I give and devise the same unto **my dear wife Mary** during her natural life, and from and immediately after her decease I give and devise the same to my nine children and the share of **my son Jacob** to his children, that is to **my sons Conrad, Philip, John, Daniel, and my daughters Elizabeth, Mary, Susan, Catharine and Rossina**, or to their legal heirs each one an equal share and the tenth equal share to the children of **my son Jacob** to be equally divided to and amongst my said son **Jacob's children** share and share alike, and lastly I nominate, constitute and appoint my esteemed friend John KURTZ, Esquire of the Borough of Somerset to be the Executor¹ of this my last Will and Testament. In Witness whereof I the said Jacob Zimmerman, the Testator, have to this my last Will consisting of one sheet of paper, set my hand and seal this ____ day of ____ in the year of our Lord one thousand eight hundred and twenty five."

[signed] **Jacob ZIMMERMAN** [spelled w/ one M] seal

Signed, Sealed, Published and Declared, by the above named **Jacob ZIMMERMAN** as and for his Last Will and Testament in the presence of us, who at his request and _____ in his presence have subscribed our names as witnesses hereunto: the words "said my wife Mary and My" in the 16th line from the top were stricken out before signing.

[signed] John WITT seal
[signed] John ANAWALT seal

¹ Executor(-trix) = A person appointed by a testator to carry out the directions and request in his will, and to dispose of the property according to his testamentary provisions after his death. (Black's Law Dictionary)

Somerset County, PA,

This **27th day of May A.D. 1835** personally came before me Chauncey FORWARD Register for the Probate of Wills & Granting Letters of Administration in and for the County aforesaid, John WITT Esquire, one of the subscribers, witnesses to the aforesaid Will and being duly sworn doth depose and say that he was present and saw and heard **Jacob ZIMMERMAN** sign, seal, publish and pronounce and declare this foregoing instrument of writing as and for his Last Will and Testament and that he has often seen the other subscribing witness and they were called upon by Testator to witness the same that it is the proper handwriting of said John ANAWALT, who has since deceased, and that the said Testator **Jacob ZIMMERMAN** at the time of so doing was of perfect and sound mind, memory and understanding to the best of his knowledge and thought.

[signed] John WITT, Esquire

Sworn and subscribed before me
this **27th day of May A.D. 1835**.
C. FORWARD, Register

(Somerset Co., Pennsylvania Wills, Vol. 3 p. 184)

**LETTERS OF ADMINISTRATION²
with the Will annexed on
Jacob ZIMMERMAN'S
Estate**



I, Chauncey FORWARD, Register for the probate of Wills and granting Letters of administration in and for the county of Somerset in the Commonwealth of Pennsylvania, do make known unto all people that on the **27th day of May in the year A.D. 1835** before me, Chauncey FORWARD, Register for the county aforesaid, was proving in due form of

Law a certain instrument in writing purporting to be the last Will and Testament of **Jacob ZIMMERMAN**, late of Somerset Township in the County aforesaid yeoman, deceased, wherein John KUNTZ Esquire, was appointed Executor but who afterwards (it is said) refused to act, as in an by the said Will and Testament of **Jacob ZIMMERMAN**, filed in the Registers Office at Somerset may appear.

He the said **Jacob ZIMMERMAN**, having whilst he lived and at the time of his death divers goods, chattels, rights and credits within the said County and Commonwealth, by means whereof the full disposition and power of granting and ordaining the administration of all and singular the goods, chattels, rights and credits of the said deceased, and also of auditing the accounts, calculation or reckoning and the final discharge and disposition from the same to me are manifestly known to belong,

I desiring, therefore, that the goods and chattels, rights and credits, which were of the said deceased, may be well and truly administered converted and disposed of, according to the said last Will and for the uses therein mentioned do grant unto you **Mary ZIMMERMAN**, in whose fidelity in this behalf, I very much confide full power by the tenor of these presents to administer the goods, chattels, rights and credits of the said deceased, which at the time of his death were owing or to him did in any wise belong,

and to pay the debts in which the deceased stood obliged, so far forth as the said goods, chattels, rights and credits will extend according to the rate and order of Law, especially of well and truly administering the goods chattels, rights and credits of the said deceased

and exhibiting an Inventory of the same into the Registers office at Somerset on or before the **8th day of July** next ensuing,

and of rendering a just and true account of the said Administration, on or before the **8th day of June** next following,

and I do ordain depute and constitute you, the said **Mary ZIMMERMAN**, to be administrator of all and singular the goods, chattels, rights and credits which were of the said **Jacob ZIMMERMAN**, deceased, to the use and for the purposes in the said Will which is hereto annexed, mentioned, serving witness and forever indemnifying me and all other officers against all persons whomsoever by reason of your administration aforesaid and serving all others their rights.

In testimony whereof, I have hereto set my hand and have caused the seal of the said office at Somerset the **8th day of June A.D. 1835**.

[signed] C. FORWARD, Register

seal

² Letters of Administration = Formal document issued by probate court appointing one an administrator of an estate. An administrator is a person appointed by the court to administer (or manage) the assets and liabilities of the deceased. If the person performing these probate services is named by the decedent's will, he is designated as the executor (or executrix, if female) of the estate. (Black's Law Dictionary)

(Somerset Co., Pennsylvania Wills, Vol. 3 p. 185)

BOND³
Jacob ZIMMERMAN'S
Estate



Know all men by these presents, that we **Mary ZIMMERMAN, John EMERT**, and Philip BROWN of Somerset County and Commonwealth of Pennsylvania, are held firmly bound unto the said Commonwealth in the sum of two hundred dollars (\$200.00), lawful money of Pennsylvania, to be paid to the said Commonwealth;

to which payment well and truly to be made, we bind ourselves jointly and severally for and in the whole, our heirs, executors, and administrators, firmly by these presents.

Sealed with our seals and dated the **8th day of June 1835**.

The condition of this obligation is that if the above bounden **Mary ZIMMERMAN**, administrator, with the will annexed of all and singular the goods, chattels and credits of **Jacob ZIMMERMAN** deceased,

Do make or cause to be made a true and perfect inventory of all and singular the goods, chattel and credits of the deceased, which have come, or shall [come] to the hands, possession, or knowledge of her, the said **Mary ZIMMERMAN**, or into the hands and possession of any other person or persons for her and the same to be made,

Do exhibit or cause to be exhibited into the Register's office, in the County of Somerset, within 30 days from the date hereof, and the same goods, chattel and credits, and all other the goods, chattel, and credits of the said deceased, at the time of his death, which at any time after shall come into the hands or possession of the said **Mary ZIMMERMAN** or into the hands and possession of any to her person or persons for her

Do well and truly Administer according to law, and further

Do make or cause to be made a just and true account of said Administration, within one year of the date hereof, or when thereunto legally required,

And all the rest and residue of the said goods, chattels, and credits, which shall be found remaining upon the said Administrator's account, the same being the first examined and allowed by the Orphans court of the county having jurisdiction, shall deliver and pay unto such person or persons, as the said Orphans court, by their decree or sentence pursuant to law, shall limit and appoint, and shall well and truly comply with the laws of this Commonwealth relating to collateral inheritances,

And if it shall hereafter appear that any Last Will and Testament was made by the deceased, and the same shall be proved according to law if the said **Mary ZIMMERMAN** being thereunto required to surrender the said letters of administration into the Registers Office aforesaid, then this obligation to be void, otherwise to remain in force.

Sealed and delivered in presence of:
Wm. PHILSON

her
Mary ZIMMERMAN seal
mark

Johannes EMMERT (surety) seal
Philip BROWN (surety) seal

Registered **8th June 1835** C. FORWARD, Register

³ The executor or administrator must furnish a BOND in to insure his/her faithful performance of duty. BONDSMEN were usually relatives or family friends. If the wife is executrix, then the bondsmen will usually be her relatives. (The Source, Edit. Arlene Eakle & Johni Cerny, 1984, p. 178). The SURETY (= BONDSMAN) is a person who at the request of the ADMINISTRATOR, becomes responsible for the performance by the latter. In case the AMINISTRATOR fails to fulfill his/her duty, a SURETY is liable to perform the obligation. (Black's Law Dictionary)

INVENTORY⁴

Somerset County, Pa.

Personally appeared before Abram BEAM, a Justice of the Peace in and for the County of Somerset, aforesaid, came Philip BROWN & Henry ASH Jr. who being sworn according to law that they will appraise the property of **Jacob ZIMMERMAN** of Somerset Township, deceased, to the best of their knowledge and ability.

Sworn and subscribed before me,
[signed] Abram BEAM
11 June 1835

[signed] Henry ASH Jr.
[signed] Philip BROWN

A list of the goods and chattel of **Jacob ZIMMERMAN**, deceased, and appraise by the house and above subscribed and sworn.

ARTICLES OF GOODS PRAISED:	
1 horse	\$25.00
1 mare	\$22.00
1 bed	\$03.00
1 clock	\$00.18 3/4
1 saddleback	\$01.50
1 sive	\$00.37 1/2
1 hand saw	\$00.75
1 saddle	\$00.12 1/2
1 side saddle	\$00.37 1/2
3 piece of stove pipe	\$00.25
1 load of old iron	\$00.37 1/2
1 Jacob rille	\$00.12 1/2
1 spinning wheel	\$00.18 3/4
1 box of shoemaker tools	\$00.37 1/2
1 stretcher	\$00.50
2 barrels	\$00.18 3/4
1 stove and pipe	\$11.00

ARTICLES OF THE PRAISEMENT BROUGHT OVER:	
1 Heckles	\$00.87 1/2
1 stilyard	\$01.25
1 augar chissele & plain	\$00.18 3/4
1 sausage funnel	\$00.12 1/2
1 cubard	\$05.00
1 mush mill sive	\$00.18 3/4
1 chain & neck collar	\$00.12 1/2
1 drawing knife	\$00.12 1/2
1 wool spinning wheel	\$01.25
2 law books of the state of Penn in in German and English	\$00.37 1/2
1 chain	\$00.25
1 sythe	\$00.12 1/2
1 bulken tubb	\$00.25
1 mille tubb	\$00.06 1/4
1 large kittle	\$00.18 3/4
1 iron pot	\$00.62 1/2
1 shovel & hoe	\$00.18 3/4
1 grindstone	\$00.7
1 tubb	\$00.06 1/2
1 axe	\$00.37 1/2
1 wind mill	\$05.00
12 head of sheep	\$11.00
1 cow	\$13.00
2 year old bully	\$05.00
The 3 of 15 acres of oats more or less at \$4.00/acre	\$20.00
#1 field of winter grain 10 acres more or less 73 perch	\$05.00
#2 field of meadow grass the half 2 1/2 acres \$2.00/acre	\$03.33 1/2
#1 15 lb. wool at \$00.25/pound	\$03.75
#2 3 lb. wool at \$00.25/pound	\$00.75
1 table	\$00.31 1/4
2 wagon wheels	\$03.00

Vendee⁵ list and goods – June 19, 1835

Conrad ZIMMERMAN	1 clock	\$00.74
John EMERT	2 cutting box steel	\$00.12
John EMERT	1 load of old iron	\$00.06 1/4
Conrad ZIMMERMAN	1 hand saw	\$00.26
John HORNER	2 nd load of old iron	\$00.04
Philip ZIMMERMAN	3 rd load of old iron	\$00.05
Henry ASH Jr.	1 cow chain	\$00.13

⁴ The INVENTORY is performed by court appointed APPRAISERS (often family members or friends who are not heirs).

⁵ VENDEE = A purchaser or buyer. (Black's Law Dictionary)

Henry ASH Jr.	1 straw knife	\$00.05
John CRAMER	1 load of shoemaking tools	\$00.25
Conrad ZIMMERMAN	1 drawing knife & sheep shear	\$00.15
Conrad ZIMMERMAN	1 chain	\$00.30
Wm. McGINNIS	1 thresher	\$00.88
Daniel BERKEY	1 sausage funnel	\$00.18
Philip BROWN	1 coffee mill	\$00.04
Conrad ZIMMERMAN	1 jack plain	\$00.06
Conrad ZIMMERMAN	augers & chisels, etc.	\$00.19
Abraham BEAM Esq.	1 heckler	\$01.25
John LENHARD	1 spinning wheel	\$01.17
Philip ZIMMERMAN	3 pieces of stove pipe	\$02.25
Philip ZIMMERMAN	saddlebag	\$01.50
John LENHARD	1 lime	\$00.43
John LENHARD	1 mush mill line	\$00.68
John EMERT	1 law book German	\$00.25
John EMERT	1 law book English	\$00.52
Joseph EMMERT	1 sythe	
Daniel BERKEY	pot	\$00.97
Christian YORDY	1 large cittle	\$00.25
Abraham BEAM Esq.	1 lot of drug	\$00.06
Philip BROWN	1 tub	\$00.04
Philip ZIMMERMAN	1 large tub	\$00.82
John CRAMER	flour barrel	\$00.14
Conrad ZIMMERMAN	1 grindstone	\$00.82
Daniel BERKEY	1 bed	\$05.95
John SHAWLEY	1 steel	\$04.13

Vendee list - Filed 9th July 1835 Registry

William McGINNIS	1 sheep Ram	\$1.00
Samuel LENHART	1 sheep	\$1.03
Samuel LENHART	1 ewe & lamb	\$1.35
John CORDY	1 sheep & ewe	\$1.08
John CORDY	1 sheep & ewe	\$1.10
William McGINNIS	1 mare	\$25.30
Abraham BEAM (crossed out)	1 cattle (crossed out)	\$15.00 (crossed out)

DOWER⁶

Mary ZIMMERMAN,
widow of Jacob ZIMMERMAN,
deceased

The goods and chattel I kept at the appraisalment:

1 horse	\$25.00
1 bed	\$03.
1 man's saddle	\$00.12 ½
1 side saddle	\$00.37 ½
1 jack reel	\$00.12 ½
1 wool spinning wheel	\$01.25
½ bushel	\$00.13 ¾
1 stove & pipe	\$11.00
1 stilyard	\$01.25
1 cubord	\$05.00
1 iron pot	\$00.62 ½
1 axe	\$00.37 ½
1 windmill	\$05.00
11 head of sheep	\$70.00
1 cow	\$13.00

Brought over on this side:

1/3 of the 15 acres of oats more or less	24 gr acre	\$20.00
Field No. 1 of winter grain 10 acres	at \$3 per acre	\$11.00
2 ½ acres of meadow grass	at \$2 per acre	\$05.00
Field No. 2 of winter grain the 3 rd of 5 acres		\$03.33 ½
15 lb of wool at \$00.25 per lb.		\$00.75
1 table		\$00.31 ¼
2 wagon wheels		\$03.00

⁶ DOWER = The provision which the law makes for the widow out of the estate of her deceased husband. She is entitled to claim 1/3rd of the real and personal estate for her lifetime (known as her DOWER RIGHTS), the rest to be divided equally among the children.

Estate of
Jacob ZIMMERMAN, dec'd
for INQUEST

At an adjourned Orphans' Court held at Somerset in and for the County of Somerset on the
12th day of October A.D. 1853, before the Honorable the Judges thereof,

The petition of **John EMMERT**,

intermarried with **Susanna ZIMMERMAN**, one of the heirs and legal representatives of **Jacob ZIMMERMAN**,
late of Somerset Township, deceased, humbly represents:

That the said **Jacob ZIMMERMAN died sometime in the year 1834**, having first made his Last Will and
Testament and that he appointed John KURTZ his executor, and the said executor having refused to accept
of the trust,

Letters of Administration with the Will annexed were granted to **Mary widow** of deceased,

That said deceased left issue of 10 children:

- 1 - **Jacob**,
- 2 - **Conrad**,
- 3 - **Philip**,
- 4 - **Elizabeth**, intermarried with **David ASH**,
- 5 - **Mary** intermarried with **Joseph EMMERT** – both of whom have since deceased leaving issue of nine children:
 - i - Eliza intermarried with John LINT,
 - ii - Catherine,
 - iii - Charlotte,
 - iv - Isaac,
 - v - Susan intermarried with John HETZER,
 - vi - Sarah intermarried with Leonard STAHL,
 - vii - Jonathan,
 - viii - Leah intermarried with John COLL, and
 - ix - Adaline.
- 6 - **Susanna ZIMMERMAN**, intermarried with **John EMMERT**
- 7 - **John**
- 8 - **Daniel**
- 9 - **Catherine** intermarried with **Daniel BERKEY**
- 10 - **Rosanna** intermarried with **William [McGINNIS]** – since deceased, issue seven children:
 - i - Daniel,
 - ii - Andrew,
 - iii - Mary,
 - iv - Elizabeth intermarried with Jacob LENHART,
 - v - Rosanna,
 - vi - Harriet, and
 - vii - Salome.

That said deceased died seized in her demesne⁷ as of fee of and in and to 3 tracts of land:

The 1st tract situate in Somerset Township adjoining lands of Daniel SNYDER, Jonathan LENHART & others, containing about 200 acres more or less, about 80 acres cleared with a frame house and stable thereon erected.

The 2nd tract adjoining the first mentioned tract: Daniel SNYDER, Joseph RHOADS sawmill tract and others, containing about 200 acres more or less, about 50 acres cleared with a stable and threshing floor thereon;

The 3rd tract lying in Somerset or Jefferson Townships adjoining land of Jacob SWENK, Abraham BEAM Esquire, and others, with a cabin house and cabin barn thereon erected, containing 137 acres more or less, 80 or 90 cleared.

Your petitioner prays your honors:

To grant a Writ⁸ of Partition to divide said land to and among the several heirs of said deceased, if the same can be done without prejudice to or spoiling the whole.

⁷ Demesne = Domain. Something owned; held in one's own right, and not of a superior; not allotted to tenants. In the language of pleading, own, proper, or original. Dictionary of Legal Terms, Steven H. Gifis.

⁸ Writ = A written judicial order to perform a specified act, or giving authority to have it done.

And to determine whether said lands will accommodate more than one of the heirs of said deceased and if so how many of said heirs it will conveniently accommodate, but

If said lands cannot be so divided, then to appraise the same, and make report thereof to this Court.

Since they will query and subscribe recommendations. I hereby join in the prayer of the foregoing petition.

Witness:

[signed] Nevin SHOWARDS

[signed] Michael EMMERT

her

Susanna EMMERT

mark

Somerset County s.s.:
The Commonwealth of Pennsylvania,
To the Sheriff of Somerset County,

Greeting: Whereas at an adjourned Orphans Court held at Somerset in and for the County of Somerset, on the **12th day of October A.D. 1853** before the Honorable F.M. KIMMEL, President, J.C. KURTZ & Jonathan KNEPPER, Associate Judges of the same Court,

The petition of **John EMMERT** intermarried with **Susanna ZIMMERMAN** one of the heirs and legal representatives of **Jacob ZIMMERMAN** late of Somerset Township deceased, humbly represents that the said **Jacob ZIMMERMAN** died sometime in the year **1834** having first made his Last Will and Testament, in which he appointed John KURTZ his executor, and said executor having refused to accept of the trust, Letters of Administration with the Will annexed were granted to **Mary widow of deceased** that the deceased left issue ten children:

- 1 - **Jacob,**
- 2 - **Conrad,**
- 3 - **Philip,**
- 4 - **Elizabeth,** intermarried with **David ASH**
- 5 - **Mary** intermarried with **Joseph EMMERT** – both of whom have since deceased leaving issue of nine children:
 - i - Eliza intermarried with John LINT,
 - ii - Catherine,
 - iii - Charlotte,
 - iv - Isaac,
 - v - Susan intermarried with John HETZER,
 - vi - Sarah intermarried with Leonard STAHL,
 - vii - Jonathan,
 - viii - Leah intermarried with John COLL, and
 - ix - Adaline.
- 6 - **Susanna,** intermarried with **John EMMERT**
- 7 - **John**
- 8 - **Daniel**
- 9 - **Catherine** intermarried with **Daniel BERKEY**
- 10 - **Rosanna** intermarried with **William McGINNIS** – since deceased, leaving issue seven children:
 - i - Daniel,
 - ii - Andrew,
 - iii - Mary,
 - iv - Elizabeth intermarried with Jacob LENHART,
 - v - Rosanna,
 - vi - Harriet, and
 - vii - Salome.

That said deceased died seized in his demesne as of fee of and into 3 tracts of land:

The 1st tract situate in Somerset County adjoining lands of Daniel SNYDER, Jonathan LENHART & others, containing about 200 acres more or less, about 80 acres cleared with a frame house and stable thereon erected.
The 2nd tract adjoining the first mentioned tract: Daniel SNYDER, Joseph RHOADS sawmill tract and others containing about 200 acres more or less about 50 acres cleared with a stable and threshing floor thereon;
The 3rd tract lying in Somerset or Jefferson Township adjoining the lands of Jacob SWENK, Abraham BEAM Esquire, and others with a cabin house and cabin barn thereon erected, containing 137 acres more or less, 80 or 90 cleared.

Your petitioner prays your honors:

To grant a Writ of partition to divide said lands to and among the several heirs of said deceased if the same can be done without prejudice to or spoiling the whole, and to

Determine whether said lands will accommodate more than one of the heirs of said deceased and

If so how many of said heirs it will conveniently accommodate, but

If the said lands cannot be so divided, then to appraise the land and make report thereof to this Court at our next adjourn. Court **December 6th 1853**. and they do pray

An inquest⁹ awarded.

Witness: The Honorable F.M. KIMMEL
at Somerset this **15th day of October A.D. 1853**.

[signed] C.M. HICKS, Clerk.

To the heirs and legal representatives of **Jacob ZIMMERMAN** deceased.

Take notice that an inquest will be held at the late dwelling of said deceased in the township of Somerset in the county of Somerset on Tuesday the **29th day of November 1853** for the purpose of making partition of the et al estate to and among the children and legal representatives if the same can be done without prejudice to or spoiling the whole thereof otherwise to value and appraise the same according to law, at which time and place you are required to attend if you think proper.

[signed] R.R. MARSHALL, Sheriff

The above notice served personally and by publication.

Inquisition indented and taken at the late dwelling house of **Jacob ZIMMERMAN** deceased in the Township of Somerset, Somerset County Pennsylvania on the **29th day of November 1853** before Robert R. MARSHALL, High Sheriff of said County.

By virtue of a writ of partition or valuation to him directed and to this inquisition annexed by the oath and affirmations of Jonathan RHODES, Christian ANKENY, Simon HAY, Jonathan MILLER, Michael SHAFFER, Elias MARGOT, Philip MAURER, Sr., Joseph RHODES, John KRING, Jonathan LENHART, Simon HAUGER, and Isaac D. ANKENY, twelve free, honest and lawful men of his bailiwick, who on their oath and affirmations aforesaid respectively do say that on the day and year aforesaid they went to and upon the lands and tenements of which **Jacob ZIMMERMAN** deceased died, seized in the said writ mentioned and then and there:

Did find that the said land and tenements could not be parted and divided to and among all the children and legal representatives of the said Jacob ZIMMERMAN deceased without prejudice to or spoiling the whole thereof,

And therefore the inquest aforesaid on their oaths and affirmations aforesaid have valued and appraised the same as follows:

- #1 - at \$5.20 per acre
- #2 - at \$3.68 per acre
- #3 - at \$7.00 per acre.

In testimony whereof as well the said Sheriff as the inquest aforesaid have to this Inquisition set their hands and seals the day and year above written. [signed] R.T. CRINMAND, Deputy Sheriff

[signed]	Simon HAY	seal	[signed]	Jos. RHODES	seal
[signed]	Jonathan MILLER	seal	[signed]	John KING	seal
[signed]	Jonathan RHODES	seal	[signed]	Jonathan LENHART	seal
[signed]	Michael SHAFFER	seal	[signed]	Simon HAUGER	seal
[signed]	Elias MARGOT	seal	[signed]	Isaac D. ANKNEY	seal
[signed]	Philip MAURER	seal	[signed]	Christian ANKNEY	seal

⁹ Inquest = A body of men appointed by law to inquire into certain matters.

Somerset County s.s.

At an adjourned Orphans Court held at Somerset in and for the County of Somerset on the **6th day of December A.D. 1853** before the Honorable Judges thereof:

Wm. H. POSTLETHWAITE, Esq.,

The Court:

Confirm the inquisition on the real estate of **Jacob ZIMMERMAN**, deceased, and

Grant a rule on the heirs legal representatives of decedent to be and appear at an Orphan's Court to be held at Somerset in and for said County on the **1st Monday of February next (1854) to accept or refuse to take the real estate of decedent at the appraised price, or show cause why the same should not be sold.**

Extract from the records of said Court, certified on this **9th day of December A.D. 1853**

[signed] C.M. HICKS, Clerk.

The heirs are:

- 1 - **Jacob,**
- 2 - **Conrad,**
- 3 - **Philip,**
- 4 - **Elizabeth**, intermarried with **David ASH,**
- 5 - **Mary** intermarried with **Joseph EMMERT** – both of whom have since deceased leaving issue of ten children viz:
 - i - Eliza intermarried with John LINT,
 - ii - Catherine,
 - iii - Charlotte,
 - iv - Isaac,
 - v - Susan intermarried with John HETZER,
 - vi - Sarah intermarried with Leonard STAHL,
 - vii - Jonathan,
 - viii - Leah intermarried with John COLL, and
 - ix - Adaline.
- 6 - **Susanna**, intermarried with **John EMMERT**
- 7 - **John**
- 8 - **Daniel**
- 9 - **Catherine** intermarried with **Daniel BERKEY Jr.**
- 10 - **Rosanna** intermarried with **William McGINNIS** – since deceased, leaving issue seven children viz:
 - i - Daniel,
 - ii - Andrew,
 - iii - Mary,
 - iv - Elizabeth intermarried with Jacob LENHART,
 - v - Rosanna,
 - vi - Harriet, and
 - vii - Salome.

To the Honorable the Judges of the Orphans Court of Somerset County.

Mrs. **Susanna EMMERT** represents:

The Petition of the heirs of **Jacob ZIMMERMAN**, deceased, resulted here has been appraised by order of the Court that all of the heirs have been called to appear and taken the property to let the appraisers and have made default,

She therefore prays the heirs to appoint **David GRIFFITH**, Trustee, to sell said real estate and the Will be probated¹⁰.
[signed] (name not legible), attorney for **Susanna EMMERT**

¹⁰ Probate = court procedure by which a will is proved to be valid or invalid; though in current usage this term has been expanded to generally refer to the legal process wherein the estate of a decedent is administered. Generally, the probate process involves collecting a decedent's assets, liquidating liabilities, paying necessary taxes, and distributing property to heirs. These activities are carried out by the executor or administrator of the estate, usually under the supervision of the probate court or other court of appropriate jurisdiction.

Somerset County s.s.

At an Orphans Court held at Somerset in and for the County of Somerset on the **6th day of February 1854** before the honorable the Judges thereof:

On due proof of service of a rule on the heirs of **Jacob ZIMMERMAN** deceased to take the real estate of decedent at the appraised price, the heirs being called make default.

On motion of Wm. H. POSTLETHWAITE, Esquire, the Court:

- Decree a sale of the real estate of decedent, and
- Grant an order of sale to David GRIFFITH, trustee, for that purpose viz: the following tracts of land:

The 1st tract situate in Somerset County adjoining lands of Daniel SNYDER, Jonathan LENHART & others, containing about 200 acres more or less, about 80 acres cleared with a frame house and stable thereon erected.

The 2nd tract adjoining the first mentioned tract: Daniel SNYDER, Joseph RHOADS sawmill tract and others containing about 200 acres more or less about 50 acres cleared with a stable and threshing floor thereon;

The 3rd tract lying in Somerset or Jefferson Township adjoining the lands of Jacob SWANK, Abraham BEAM Esquire, and others with a cabin house and cabin barn thereon erected, containing 137 acres more or less, 80 or 90 cleared.

- Terms 1/3rd in hand and the rest in three equal annual payments. By order of Court.
[signed] C.M. HICKS, Clerk

BOND
Jacob ZIMMERMAN'S
Estate

}

Know all men by these presents that we David GRIFFITH, John W. PARKER and **John EMMERT** are firmly bound unto the Commonwealth of Pennsylvania in the sum of \$6,000 lawful money of the United States of America, to which payment well and truly to be made, we bind ourselves

jointly and severally, our heirs, executors, and administrators, firmly by these presents sealed with our seals and dated this **6th day of February A.D. 1854**.

Whereas at an Orphans Court held at Somerset the **6th day of February 1854**, the heirs of **Jacob ZIMMERMAN** deceased make default, the court decree of sale of said real estate of decedent, and grant and order of sale to David GRIFFITH, Trustee for the sale of said real estate, as by the records of said Court move fully appears.

Now the condition of this obligation is such that if the above bounded David GRIFFITH, Trustee as aforesaid, shall well and truly and faithfully appropriate according to law the proceeds of the sale of said real estate whether he shall sell the same or on any further order granted for the purpose then this obligation to be void, otherwise to remain in full force and virtue.

Witness: Jno. HICKS [signed] David GRIFFITH

To the honorable Judge of the Court of Common Pleas of Somerset County now composing an Orphans Court¹¹ in and for the said County.

The petition of David GRIFFITH, Trustee for the sale of the real estate of **Jacob ZIMMERMAN** deceased, represents that in pursuance to the order of this Court, after due and timely notice given of the day and place of sale, he did:

- Expose the real estate of said deceased at the order of the Court mentioned, and
- Sell tract #2 to **John EMMERT** at and for the sum of \$888.34;
- Sell tract #3 to **Jacob ZIMMERMAN** and **Benjamin ZIMMERMAN** for the sum of \$714.37 ½ , &
- Pray the Court to:
 - Confirm the sale of so much has been sold and
 - Direct the trustees to make a deed or deeds to the purchasers

And prays that:

- The due order may be further continued for the sale of tract #1.

[signed] David GRIFFITH, Trustee

¹¹ Orphans Court = Courts in several states with probate jurisdiction. (Black's Law Dictionary)

In the matter of the Estate of **Jacob ZIMMERMAN**, deceased.

David GRIFFITH, Trustee for the sale of the said decedent's real estate, makes return to the honorable Judges of the Orphans Court, of Somerset County, Pennsylvania.

That in pursuance of the order of said Court made on the **6th day of February, 1854**, after due public notice according to law, he did on the **1st day of July 1854**:

Expose the premises therein described as Lot #1 to public sale in the Borough of Somerset and then and there

Sold the premises at the rate of \$5.21 per acre to Daniel WEYAND, Esquire, which may be confirmed to the said purchaser by the Court and the said trustee ordered to make a deed therefore.

[signed] David GRIFFITH by his atty. H.B. WOODS.

Account of David GRIFFITH, Trustee for the sale of the real estate of **Jacob ZIMMERMAN**, deceased. **1854** The said accountant charges himself with the price at which the land was sold to wit:

Lot #1	to Daniel WEYAND	\$1,047.21
Lot #2	to Jacob & Benjamin ZIMMERMAN	714.37 ½
Lot #3	to John EMERT	<u>888.03</u>
		\$2,619.61 ½

The said accountant claims an allowance for the following viz:

1 - Amount not due agreeably to order of sale on land sold to Jacob & Benjamin ZIMMERMAN	\$476.25
2 - Amount not due on land sold to John EMMERT	592.02
3 - Amount not due on land sold to D. WEYAND	698.14
4 - Amount paid on APC. to John EMERT	383.90
5 - Amount paid to estate of Conrad ZIMMERMAN deceased	185.96
6 - Amount paid printer for publishing notices etc.	5.87 ½
7 - Amount paid De. DAVIS for Crying sale	3.50
8 - Amount paid POSTLETHWAITE & WOODS for stating APC & services	45.00
9 - Accountant claims for his services	95.00

Paid C.M. HICKS O.C. fees for inquisition rules order of sale, etc.	9.25
Paid C.M. HICKS for passing over etc. this account	7.75
Paid R.R. MARSHALL fees as per receipt	33.62 ½
Paid G. LINT for acknowledging deeds	.37 ½

To the Honorable Judges of the Orphans Court of Somerset County.

The petition of David GRIFFITH, Trustee for the sale of the real estate of **Jacob ZIMMERMAN** deceased, late of Somerset Twp., respectfully represents that he has filed his account which account has this day been confirmed by your honorable Court, he prays therefore your honor to appoint an auditor to make distribution of the remaining funds among those entitled to it and report thereon.

[signed] David GRIFFITH by his attorney H.B. WOODS

Somerset County s.s.:

At an adjourned Orphans Court held at Somerset in and for said County on the **19th day of September A.D. 1854** before the Honorable the Judges thereof:

In the matter of the account of David GRIFFITH, Trustee for the sale of the real estate of **Jacob ZIMMERMAN**, deceased.

On motion of H.B. HICKS, Esquire, the Court appoint J.D. RODDY, Esquire, Auditor to make distribution of the balance of said account to those legally entitled thereto, and to report thereon.

Extracts from the record of said Court,
Certified this **20th day of September A.D. 1854** [signed] C.M, HICKS, Clerk

NOTICE – I will attend to the duties of the above appointment at my office in Somerset Borough on Monday the **9th October 1854** where and when all persons interested can attend.
Somerset, Pa. **Sept. 21st, 1854** [signed] John D. RODDY, Auditor.

Estate of J. ZIMMERMAN
dec'd.
Auditor's Report



At an adjourned Orphans Court held at Somerset in and for said County, on the **19th day of September A.D. 1854**: before the Honorable the Judges thereof, In the matter of the Account of David Griffith, Trustee for the sale of the Real Estate of **Jacob ZIMMERMAN**, dec'd. On motion of the H. B. WOODS, esq. The Court appoint John D. RODDY Esq., Auditor to make distribution of the balance on said account to those legally entitled thereto, and report thereon. The undersigned Auditor appointed by the Court to make distribution of the funds in the hands of David GRIFFITH, Trustee for the sale of the real estate of **Jacob ZIMMERMAN** deceased, respectfully begs leave to submit the following report to wit: that said **Jacob ZIMMERMAN** died leaving issue 10 children to wit:

- 1 - **Jacob**, that the provisions of the Will of said decedent Jacob's share is to be given to his 4 children to wit:
 - i - William,
 - ii - Andrew,
 - iii - Mary intermarried with William GEER,
 - iv - Elizabeth intermarried with ___ SPROUL.
- 2 - **Conrad**, now deceased leaving issue 10 children as follows viz:
 - i - John,
 - ii - Mary intermarried to John ENOS,
 - iii - David,
 - iv - Catherine intermarried with Abraham BUTLER,
 - v - Jacob,
 - vi - Sarah intermarried with Noah SHAULLIS,
 - vii - Benjamin,
 - viii - Abraham,
 - ix - Susan,
 - x - Henry.
- 3 - **Philip**,
- 4 - **Elizabeth**, intermarried with **David ASH**,
- 5 - **Mary** intermarried with **Joseph EMMERT** – both of whom have since deceased leaving issue of nine children:
 - i - Eliza intermarried with John LINT,
 - ii - Catherine intermarried with John SAYLOR,
 - iii - Charlotte, who has conveyed her share to John EMMERT,
 - iv - Isaac,
 - v - Susan intermarried with John HETZER,
 - vi - Sarah intermarried with Leonard STAHL,
 - vii - Jonathan,
 - viii - Leah intermarried with John COLL, and
 - ix - Adaline.
- 6 - **Susanna**, intermarried with John EMMERT
- 7 - **Catherine** intermarried with Daniel BERKEY Jr.
- 8 - **Daniel**, who has sold to John EMMERT
- 9 - **John**, who has sold to Jacob C. ZIMMERMAN
- 10 - **Rosanna** intermarried with **William McGINNIS** – now deceased, leaving issue six children to wit:
 - i - Daniel,
 - ii - Andrew,
 - iii - Elizabeth intermarried with Jacob LENHART,
 - iv - Rosanna,
 - v - Harriet, and
 - vi - Salome.

Your Auditor reports further that by the account of said trustee, he finds in his hands the sum of \$112.97, from which he deducts the expenses of this audit as follows viz:

C.F. MITCHELL	Pub. Auditors Notice	\$01.75	
C.M. HICKS	Com. & Recording	\$02.50	
John D. RODDY	Auditors fees	\$10.00	14.25
Leaves the sum to be divided as follows viz:			\$98.72
Jacob's heirs	(4)	\$09.87 ¼	
Conrad's heirs	(10)	\$09.87 ¼	
John		\$09.87 ¼	
Philip		\$09.87 ¼	
Elizabeth ASH		\$09.87 ¼	

Mary EMMERT heirs	(10)	\$09.87 ¼	
Susannah EMMERT		\$09.87 ¼	
Catherine BERKEY		\$09.87 ¼	
Daniel		\$09.87 ¼	
Rosanna McGINNIS		\$09.87 ¼	\$98.72

Which exhausts the hand money in the hands of trustee.

There are yet in the hands of the trustees notes to the amount of \$1,766.41 to be distributed amongst the heirs as follows viz: and falling due as follows in

			<u>1855</u>	<u>1856</u>	<u>1857:</u>
Jacob	heirs	(4)	\$58.80	\$58.80	\$58.80
Conrad	heirs	(10)	\$58.80	\$58.80	\$58.80
John			\$58.80	\$58.80	\$58.80
Philip			\$58.80	\$58.80	\$58.80
Elizabeth ASH			\$58.80	\$58.80	\$58.80
Mary EMMERT	heirs	(10)	\$58.80	\$58.80	\$58.80
Susannah EMMERT			\$58.80	\$58.80	\$58.80
Catherine BERKEY			\$58.80	\$58.80	\$58.80
Daniel			\$58.80	\$58.80	\$58.80
Rosanna McGINNIS	heirs	(6)	\$58.80	\$58.80	\$58.80

Which exhausts the funds in the hands of the trustee. All of which is submitted.

[signed] John M. RODDY

And now to wit: Nov 1854 Report confirmed by the court. [signed] C.M. HICKS, Clk.

To the Honorable the Judges of the Orphans Court of Somerset County, Pennsylvania.

The petition of **Daniel BERKEY** respectfully showeth that he in right of his wife an heir to the estate of **Jacob ZIMMERMAN** deceased in said County deceased, that Letters of Administration of the estate were granted to John EMERT and ----- ZIMMERMAN by the register and that more than year has elapsed since said letters were granted.

That the said **John EMERT** administrator aforesaid has neglected to exhibit and file a just account and settlement of said estate in the register's office of said county.

Your petitioner therefore prays that the Court will award a citation directing that the said **John EMERT** commanding him to exhibit and file a just account and make a true settlement thereof in the office of the register of the said County.

[signed] **Daniel BERKEY**
by his attorneys BRAUN & BENFORD

Somerset County s.s.

At an adjourned Court held at Somerset in and for the County of Somerset on the **5th day of February A.D. 1855** before the Honorable Judges thereof:

On petition of **Daniel BERKEY**, the Court award a citation on **John EMERT** and _____ **ZIMMERMAN**, Administrators of the Estate of **Jacob ZIMMERMAN** deceased, to file and account of their administration on or before the **15th day of May** next.

The Commonwealth of Pennsylvania to **John EMMERT** and _____ **ZIMMERMAN**:

Greeting. You laying aside all business and excuses whatsoever are hereby cited to be and appear before me Jacob NEFF, Register for the Probate or Wills and granting Letters of Administration in and for the said County of Somerset at his office at Somerset on or before **13th day of April next (1855)**, then and there to state and file your account upon the administration of the estate of said **Jacob ZIMMERMAN** deceased, according to law, herein fail not.

Given under my hand and seal of said Court at Somerset this **12th day of February A.D. 1855**.

[signed] Jacob NEFF, Clerk

[THIS IS THE FULL PROBATE OF THE LAST WILL AND TESTAMENT OF JACOB ZIMMERMAN]

Transcribed by Linda C. Driscoll