SURROGATE'S COURT

In the matter of Proving the Last Will and Testament
of

Evelyn S. Se

INSTRUCTIONS TO COMMISSIONERS.

Annexed to the Commission is an extract from the Statutes of the State of New-York, relative to the taking of testimony out of the State, which extract is directed by law to be annexed to the Commission. But as it does not comprise everything necessary to be attended to by the Commissioner, they are requested to observe the following more ample

INSTRUCTIONS.

I. All the Commissioners named in the Commission should have notice of the time and place of executing it; and if any of them do not act, let the fact that they were notified, or could not be notified, and the reason for their not acting, be stated.

II. The Commission must be executed by the Commissioner, named therein.

III. The acting Commissioner will examine the witnesses separately, after publicly administering the following oath or affirmation:

"You do swear, that the answers which shall be given by you to the interrogatories proposed to you, shall be the truth, the whole truth, and nothing but the truth. *So help you God.*"

The oath shall be administered (except in the cases hereinafter mentioned) to the witness laying his hand upon and kissing the Gospels.

But if the witness shall desire it, he shall be permitted to swear in the following form: "*You do swear in the presence of the ever-living God,*" and while so swearing, he may or may not hold up his hand, in his discretion.

Or, if the witness shall declare that he has conscientious scruples against taking an oath, or swearing in any form, he shall be permitted to make his affirmation in the following form: "*You do solemnly, sincerely and truly declare and affirm,*" omitting the words "So help you God."

IV. The general style or title of the deposition must be drawn up in the following manner:

"Deposition of *witnesses*, produced, sworn, (or *affirmed*,) and examined, the day in the year one thousand eight hundred and sixty in a certain under and by virtue of a Commission issued out of the

cause therein depending and at issue between

defendant

A. B. of (*insert his place of residence and occupation*) aged years and upwards, being duly and publicly sworn (or affirmed) pursuant to the directions hereto annexed, and examined on the part of the defendant as follows:

(Insert the witness's answer.) Second—*To the second interrogatory, he saith, &c.* (Insert the witness's answer.) Second—*To the second interrogatory, he saith, &c.*, and so on throughout.

If he cannot answer, let him say that *he knoweth not.*

V. If there be any cross-interrogatories, the witness will go on thus:

First—*To the first cross-interrogatory, he saith, &c.*, and so on throughout.

VI. When the witness has finished his deposition, let him subscribe it, and the acting Commissioner will certify as follows:

Examination taken, reduced to writing, and by the witness subscribed and sworn to this day of 18 before

Commissioner.

VII. If any papers or exhibits are produced and proved, they must be annexed to the depositions in which they are referred to, and be subscribed by the witness, and be endorsed by the acting Commissioners, in this manner:

"At the execution of a Commission for the examination of witnesses, between

defendant this paper writing was produced and shown to (*insert the witness's name*) and by him deposed unto at the time of his examination before

Commissioner

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and proofs are as follows, that is to say:

WILL: