In the name of God Amen I Peter T. Campbell of the city of Oswego New York being of sound mind and

This belongs in Book of Wills D Page 181. Oswego Co Surrogate Office

COMMISSION.

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The People of the State of New-York,

To Rolland Hitchcock Esq. Counsellor at Law, residing in the town of Winchell, State of Connecticut,

Know Ye, That we, with full faith in your prudence and competency, have appointed you *Commissioner* and by these presents do authorize you, to examine

Caleb J. Church, Charles B. Holmes & John Boyd, residing in said Winchell

as *witness*, ~~in a civil suit~~ in the matter of proving the last will & testament of Enseign S. Stone late of the village of Fulton County of Oswego State of New York, deceased and now pending before our Surrogate of said County of Oswego, touching the proving of said will. ~~Defendant on the part of the~~ on oath, upon the interrogatories annexed to this Commission, to take and certify the depositions of the *witness* and return the same according to the directions hereunto annexed.

Witness, J. M. Shimer Surrogate of our said County of Oswego in the State of New York at the Surrogate's Office in Oswego in said County, the 18 day of June one thousand eight hundred and twenty, three.

J. M. Shimer
Surrogate of Oswego Co. N.Y.

DIRECTION FOR EXECUTING THE COMMISSION.

The persons to whom such Commission shall be directed, or any one of them, unless otherwise expressly directed therein, shall execute the same as follows:

1. They or any one of them, shall publicly administer an oath to the witnesses named in the Commission, that the answer given by such witnesses to the interrogatories proposed to them, shall be the truth, the whole truth, and nothing but the truth.

2. They shall cause the examination of each witness to be reduced to writing, and to be subscribed by him, and certified by such of the Commissioners as are present at the taking of the same.

3. If any exhibits are produced and proved before them, they shall be annexed to the depositions to which they relate, and shall in like manner be subscribed by the witness proving the same, and shall be certified by the Commissioners.

4. The Commissioners shall subscribe their names to each sheet of the depositions taken by them; they shall annex all the depositions and exhibits to the Commission, upon which their return shall be endorsed; and they shall close them up under their seals, and shall address the same, when so closed, to the Clerk of the Court from which the Commission issued, or to the Clerk of the County in which the venue shall be laid, as shall have been directed on the Commission, at his place of residence.

5. If there is a direction on the Commission to return the same by mail, they shall immediately deposit the packet so directed in the nearest post-office.

6. If there be a direction on the Commission to return the same by an agent of the party who sued out the same, the packet so directed shall be delivered to such agent.

This act shall take effect immediately.

The above is an extract from the Revised Statutes of the State of New-York, vol. 2, page 394, relating to the taking of testimony out of the State.

SURROGATE'S COURT.

In the matter of Proving the Last Will and Testament of Enseign S Stone deceased.

See page 629 for proof of Will
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_____ County, ss.

_____ and _____ being first duly sworn, in open Court, upon their several corporeal oaths, each for himself, doth depose and say, that they are subscribing witnesses to the _____ last Will and Testament _____ of _____ late of the _____ of _____ in the County of _____ and State of _____ deceased. And these deponents do further say, that the said _____ deceased, did in the presence of each of these deponents, subscribe h name at the end of the instrument in writing, which is now here shown to these deponents, and which purports to be _____ the last Will and Testament _____ of the said deceased, and which bears date on the _____ day of _____ one thousand eight hundred and _____. That the said deceased did at the time of subscribing h name to the said instrument as aforesaid, declare the same to be _____ h last Will and Testament; and these deponents did thereupon subscribe their own respective names at the end of said instrument, as attesting witnesses to the execution thereof, each at the request of the said deceased, and in h presence and in the presence of each other; That the said deceased, at the time of so subscribing h name to said instrument as aforesaid, and publishing said instrument as aforesaid, was upwards of twenty-one years of age, and a citizen of the United States; that he appeared to be, and deponent believe he was of sound mind, memory and understanding, and not under any restraint, and as deponents verily believe, in all respects competent to devise real estate; that each of these deponents saw the other sign h name to said instrument in the presence of the said deceased. _____

Subscribed and sworn to before me, this _____ *day of* _____ *A. D.* 18

_____ County, ss.

It appearing upon the proofs duly taken in respect to the *Last Will and Testament* _____ of _____ late of the _____ of _____ in the County of _____ and State of New York, deceased, that the said Will was duly executed, and that the said _____ at the time he executed the same, was in all respects competent to devise real estate, and not under restraint, the said last Will and Testament _____ and the proofs and examinations are hereby recorded, signed and certified by me, pursuant to the provision of the Revised Statutes, this _____ day of _____ A. D 18

_____ *Surrogate.*

LAST WILL AND TESTAMENT OF _____ *Deceased.*

See page 629 for proof of Will
82 " "

BE IT REMEMBERED, That heretofore to wit, on the _____ day of _____ in the year of our Lord one thousand eight hundred and _____ Execut named in the LAST WILL AND TESTAMENT of _____ late of the _____ of _____ in the County of _____ deceased, appeared in open Court, before the Surrogate of the County of _____ and made application to have the said LAST WILL AND TESTAMENT _____ which relates to both Real and Personal Estate proved; and on such application, the said Surrogate did ascertain by satisfactory evidence who were the _____ heirs at law and next of kin of the said testator, and their respective residences, _____

and said Surrogate did thereupon issue a Citation in due form of law, directed to the _____ heirs at law, and next of kin _____ by their respective names, stating their respective places of residence _____ requiring them to appear before said Surrogate at _____ in the village of _____ in said County, on the _____ day of _____ A. D. 18 to attend the Probate of said Will, _____

And afterwards to wit; on the _____ day of _____ A. D. 18 satisfactory evidence by affidavit, was produced and presented to said Surrogate, of the due service of said Citation in the mode prescribed by law; and on that day no one appearing to oppose the Probate of such Will _____ such proceedings was thereupon had in said Court afterwards, that the said Surrogate took the proofs of said Will _____ hereinafter set forth, upon this _____ day of _____ A. D. 18 and he thereupon adjudged the said Will _____ to be a valid Will _____ of Real and Personal Estate, and the proofs thereof to be sufficient, which said LAST WILL AND TESTAMENT _____ and proofs are as follows, that is to say:

WILL: