

to examine and take the deposition of John B. Baake and Charles A. Baake, subscribing witnesses to the last will and testament of Charles Messer hereto annexed, late of the county of Cuyahoga in the State of Ohio, deceased; and therefore we command you that at a certain day and place appointed by you, you cause the said John B. Baake and Charles A. Baake to be brought before you, and then and there to examine them on oath or affirmation first taken before you, touching the due execution of said will of the said Charles Messer, and that you reduce such examination to writing and return the same, together with this Commission and the will of the said Charles Messer thereto annexed, closed up under your seal, into our said probate court, with all convenient speed.

In Testimony whereof, I, Henry C. White, Judge of the said court, have hereunto set my hand and affixed the seal of said court at the city of Cleveland, in said county, this 1st day of November A.D. 1894

Henry C. White,  
Probate Judge  
By H. A. Schwab, Deputy Clerk (Seal)

And afterwards to wit: on the 7th day of November A.D. 1894, said notice was duly returned into court and filed endorsed in the words and figures following, to wit:

The State of Ohio,  
Cuyahoga County, ss }

On the 3rd day of November 1894, I served this writ on the within named Emma Bierfreund by delivering to her a true copy thereof, and on Chas. Messer and Maurice Messer by leaving a true copy at their usual place of residence (Nov. 5th, 94). And on Alma and Meta Messer by delivering to each of them a true copy thereof, Alma and Meta being minors, under 14 years of age, I delivered a copy to their mother in whose custody they were found.

And afterwards to wit: on the 15th day of November A.D. 1894 said commission was duly returned into court and filed, endorsed in the words and figures following, to wit:

Testimony of witnesses to will.

In the matter of the last will and Testament of Charles Messer, deceased, I Charles East, duly appointed and commissioned, by the judge of the Probate court, of the county of Cuyahoga in the State of Ohio, to take the testimony of John B. Baake and Charles A. Baake, the subscribing witnesses to the last will and testament of Charles Messer, deceased, late a resident of said county of Cuyahoga, in the State of Ohio, which commission and the said will are hereto annexed, do hereby certify that, in pursuance of said commission, I caused John B. Baake and Charles A. Baake, the said subscribing witnesses aforesaid, to come personally before me, at <sup>East</sup> ~~the~~ City, in the State of New Jersey, who, being by me first duly sworn, according to law, to speak the truth, the whole truth, and nothing but the truth, concerning and in relation of the due execution of said will, depose and say, that they were both present at the execution of said will, hereto attached marked "A" and at the request of the deceased subscribed their names to said will, as witnesses in the presence of the deceased and of each of the other subscribing witnesses, and that they saw the said Charles Messer deceased sign and seal the said will and heard him acknowledge the same to be his last will and testament, that the said Charles Messer deceased was at the time of making, signing, and sealing said last will and testament, of legal age and of sound mind and memory, and under no undue restraint.

John C. Baake  
Charles A. Baake

I, Charles East do further testify that the said testimony was reduced to writing in the presence of said witnesses and subscribed by said witnesses in my presence, on this tenth day of November A.D. 1894.

In Testimony whereof I have hereunto set my hand this tenth day of November A.D. 1894.  
Charles East, Commissioner.

A Notary Public of the State of New Jersey

Thereupon on the 15th day of November A.D. 1894 being a day in said September 1894 term of said court appearing to the court that the last will and