

Therefore my will and desire is that R. J. Stiles be and is hereby constituted and guardian of the said children to have and to hold the custody of their estate until the said children shall arrive at the full age of twenty-one years.

Seventh; I hereby constitute and appoint my trusty friend R. J. Stiles my lawful executor to all intents and purposes to execute this my last will and testament according to the true and intent and meaning of the same and every part and clause thereof.

In witness whereof I the said Mamie Stiles I hereunto set my hand and seal this the fifteenth 15. of July, 1922.

Mamie Stiles (Seal)
Signed, sealed, published and declared by the said Mamie Stiles to be her last will and testament in the presence of us who at her request and in her presence do subscribe our names as witnesses thereto.

Alfred W. Greene
L. J. Greene.

Recorded Feb. 8th, 1923.

Affidavit of John M. Taylor, Jr.

John M. Taylor, Jr. being duly sworn, deposes and says as follows:

1. That he is the eldest son of James Taylor, now deceased, who was the beneficiary under bill H.R. 11131, and is the identical James Taylor mentioned in the finding of the Court of Claims No. 1344, referred to the said Court by the House Committee on Claims on February 23, 1887, and reported as Congressional case No. 1344. The said James Taylor being the identical person mentioned in House Document No. 187, 64 Congress, First Session, which included finding of the United States Court of Claims filed May 3, 1909.

2. That the affiant is acting for and in the capacity of attorney representing himself, his two brothers names respectfully William J. and James P. Taylor, and two sisters names respectfully Madona Rucker and Addie Mathews.

The affiant, and said two brothers and two sisters being the heirs and legates under the last will and testament of James Taylor, being dated October 7, 1906, which was in full force at the time of the death of said James Taylor at Claremore, Oklahoma, on January 14, 1907.

3. The affiant makes this affidavit for consideration by the Committee on Claims of the United States Senate in connection with a copy of said will and other papers filed by the affiant in support of bill S. 1557, 67th Congress, First Session.

John M. Taylor, Jr.
District of Columbia: ss.

Subscribed and sworn to before me this 23rd day of May, 1922.
M. P. Seal)

Joseph H. Bartholomew
Notary Public

Last Will and Testament of James Taylor
Know All Men By These Presents:

That I, James Taylor, of Claremore, Indian Territory, and formerly residing at Andrews, North Carolina, being of lawful age and sane and disposing mind, and realizing the uncertainty of this mortal life and the certainty of death, and being desirous at this time to provide for the proper disposition of my property, do hereby by these presents, make, execute, constitute, publish and declare this to be my last will and testament, that is to say:

First: It is my will and desire that after my death there shall be an executor appointed of this my last will and testament by the Court, having competent jurisdiction in the premises; said executor to be selected and agreed upon by my heirs hereinafter named, if they can agree upon a suitable and competent person, and by them recommended to the Court; otherwise he shall be appointed by the Court, and he shall qualify and give bond as the law provides, and I hereby charge my said executor to strictly carry out the provisions of this Will.

Second: It is my will and desire that all my just debts, including the expense, be paid out of my estate, before the same is fully distributed to my heirs and legatees as hereinafter provided.

Third: It is my further will, that whereas, I have during my lifetime sold and deeded to my son-in-law, Frank M. Rucker, my entire allotment of land in the Cherokee Nation, Indian Territory, including my homestead, described as follows:

The S.W. 1/4 of NW 1/4 and N.E. 1/4 of Section thirty-five, and NW 1/4 of S.W. 1/4 of NW 1/4 of Section thirty-six, all in Township Twenty-one north, Range Seventeen East, Cherokee Nation, Indian Territory.

in which said sale and conveyance all of my children and heirs at law, and who are the legatees hereinafter named, have

joined, the said heirs all being of lawful age and competent to contract and convey, and it is my will and desire that my said children and heirs and legatees shall be forever barred from any right or claim to said land, or share in said land in any manner, but the same belong to said Frank M. Rucker, and to his heirs absolutely and in fee simple forever.

Fourth: It is my further will and desire, that whereas, I have a large amount of real estate, lands, land claims and land grants in the State of North Carolina, the title to which is now in litigation in a certain suit now pending in the United States Court of Claims at Washington, D.C., and whereas, I have employed and am now represented by Belva A. Lockwood of Washington, D.C., assisted by my son John M. Taylor, of Claremore, Indian Territory, in said suit as my regular attorneys, it is my will and I hereby so order and direct, that my said attorneys shall be retained in the prosecution of said suit to its final termination, if not finally terminated before my death, and that my said attorneys shall be allowed as compensation for their services in said matter, out of said lands, land grants and claims, if said suit is finally terminated in my favor, the sum of twenty per centum (20%) of the value of all the land, land grants and land claims recovered in said suit, the said compensation to be divided between my said attorneys in such manner as they may agree to divide between themselves, and the amount of said fee is to be ascertained in any proper manner that may be agreed upon between my said attorneys and my heirs and legatees herein named; provided however, that none of said land be sold for the purpose of ascertaining and fixing the amount due said attorneys for fixed amount of value, without the written consent of all my heirs and legatees thereunto first obtained.

Fifth: I hereby give, devise and bequeath to my children, namely: John M. Taylor, Jr., William

I, Taylor, James L. Taylor, Madona Rucker and Addie Matthews, share and share alike, all the rest residue and remainder of my estate, both real and personal, wherever the same may be located and situated, of every kind and description, including all my legal papers, books, documents, and all my papers and documents pertaining in any wise to the Cherokee nation, Indian lands or Indian affairs, and any and all annuities, payments and dues that may be due, or become due me from the Cherokee Nation, or from the United States Government, arising out of my treaties, stipulations or agreements between the United States and the Cherokee Nation, or in any other manner, by reason of my relation to said tribe of Indians; and as well also any and all proceeds and money arising out of a certain contract of partnership entered into by me during my life time with Belva A. Lockwood, of Washington, D. C., dated the 21st day of September, 1882, and renewed by a subsequent agreement dated the 20th day of January, 1896, for the purpose of collecting claims therein named and specified; to have and to hold the same absolutely to the above named legatee and to their heirs forever.

Sixth: I hereby revoke any and all former wills by me made at any time, whether they be oral or written, and make and constitute this my last will and testament, which consists of three sheets of typewritten pages.

In witness whereof, I hereunto set my hand, this 7th day of October, A. D., 1905.

James Taylor
In presence of M. O. Keller
W. H. Bassman,
Attesting witnesses.

We, the undersigned M. O. Keller, and W. H. Bassman, both of Claremore, Indian Territory, attesting and subscribing witnesses to the above and foregoing last will and testament, hereby certify that the testator signed said instrument in our presence

and at the same time declared in our presence and hearing the same to be his last will and testament and we signed the same as attesting witnesses at his request and in his presence and in the presence of each other, this the — day of October, A. D., 1905.

M. O. Keller, of Claremore, Indian Territory.

W. H. Bassman, of Claremore, Indian Territory.

First codicil.

I, James Taylor, of Claremore, Indian Territory, being at this time reliably informed by one Frank J. Boudinot, of Ft. Gibson, Indian Territory, by letter under date of November 30th, 1906 that Belva Lockwood of Washington, D. C., with whom I have a certain contract for an equal division of certain fees for collecting certain claims in said contract mentioned, has received a fee of \$18,000.00, on claims coming under said contract, but that she has made no settlement with me and has paid me only the sum of \$1000.00, of said fee, although, as I am informed, she has received said fee of \$18,000.00, about the first week in July, 1906, and whereas in a conversation with said Belva A. Lockwood, at Muskogee, Indian Territory, on the 17th day of November, 1906, in the presence of my sons, William J. Taylor and James L. Taylor, the said Belva A. Lockwood stated positively that she had then not yet received the said fee of \$18,000.00.

Therefore, I make this my codicil to my last will and testament, dated October 7th, 1905, hereby confirming my said last will and testament in all things, except as herein in this codicil changed, and so far as this codicil is consistent therewith; and I do hereby revoke all that portions of paragraph, or section Fourth, of my said last will, beginning with the third last word in line seven of said paragraph and continuing down and including every line and word to the

tenth word of line eighteen inclusive. The intention of this codicil is to revoke all that part of said paragraph relating to the continuation of the employment of said Belva A. Lockwood and John M. Taylor, Jr., as attorneys in the prosecution of the estate therein mentioned, and as to their compensation, so that my heirs and legates after my death, may employ and contract with whom they may desire and at whatever rate of compensation they may deem meet and proper.

In witness whereof, I have hereunto set my hand, this 7th day of January, A.D., 1907.
James Taylor,

In presence of
W.H. Bassman.
Berrel Graves.

We, the undersigned, W.H. Bassman, and Berrel Graves, both of Claremore, Indian Territory, attesting and subscribing witnesses to the above and foregoing, the first codicil, to the last will and testament of James Taylor, hereby certify that the testator signed said instrument in our presence and at the same time declared in our presence and hearing the same to be his first codicil, to his last will and testament dated October 7th, 1906, and we signed the same as attesting witnesses at his request and in his presence and in the presence of each other, this the 7th day of January, A.D., 1907.

W.H. Bassman, of Claremore, Indian Territory.
Berrel Graves, of Claremore, Indian Territory.

Endorsed: 316 Pro. Last Will and Testament of James Taylor, North Dist. Ind. Terr. Filed: in Open Court. Mar. 14, 1907. Chas. A. Davidson, Clerk, U.S. Court.

Certificate.

State of Oklahoma, County of Rogers, ss.
I, A. U. Robinson, Court Clerk of

Rogers County, Oklahoma, do hereby certify that the above and foregoing is a true and complete copy of the last will and testament of James Taylor, Dec'd, in the therein entitled cause, as the same appears on file and of record in my office.

Witness my hand and official seal, this 1st day of October, A.D., 1907.

A. U. Robinson.

Court Clerk

By Vela Musgrove, Deputy.