

North Carolina.
Cherokee County.

I, David L. Whitaker, of Prior Creek, Macon County, Oklahoma, being of sound mind, but considering the certainty of death, do make and declare this my last will and testament.

First. My Executors hereinafter named, shall give my body a decent burial and pay all burial expenses, together with all my just debts out of the first money which may come into their hands belonging to my estate.

Second. I hereby give, devise and bequeath all of my estate, real, personal or mixed, wheresoever situated, whereof I may be seized or possessed or which I may own or to which I may be in any way entitled or in which I may be interested at the time of my death, unto my executors and trustees herein after named and to their successors and assigns forever in trust, nevertheless as follows:

Third. I further will and direct that out of the said trust estate mentioned in the foregoing article of this my last will and testament, that my said executors and trustees shall sell all of my property and shall safely and conservatively invest the same so as to yield a regular interest or income, but said property is not to be sold at a sacrifice, and I direct that all of said interest and income of said fund, as the same may be received by said executors and trustees, shall be turned over to my brothers and sisters, if they are in needy and destitute circumstances, ~~then my said executors and trustees shall give said interest~~ but if they are not in needy and destitute circumstances, then my said executors and trustees shall give said interest and income to poor people in needy and destitute circumstances.

Fourth. I hereby constitute and appoint my trusty friends, Mack Cooper and John Walker of Andrews, N.C., my lawful executors and trustees to all intents and purposes to execute this my

last will and testament according to the true intent and meaning of the same and every part and clause thereof, hereby revoking and declaring utterly void all other wills and testaments by me heretofore made.

In Witness Whereof, I, the said David L. Whitaker do hereunto set my hand and seal, this the 9th day February, 1912.

David L. Whitaker,

Signed, sealed, published and declared by the said David L. Whitaker to be his last will and testament in the presence of us, who at his request and in his presence and in the presence of each other do subscribe our names as witnesses thereto.

Gordon Crawford

2/9/1912. W. C. Morrow M.D.

State of North Carolina, } In the Superior Court.
Cherokee County. } ss.

A paper purporting to be the last Will and Testament of David L. Whitaker deceased, is exhibited before me, the undersigned, Clerk of the Superior Court for said County, by Mack Cooper one of the executors therein mentioned, and the due execution thereof by the said David L. Whitaker, by the oath and examination of Gordon Crawford and W. C. Morrow the subscribing witnesses thereto, who being duly sworn, doth depose and say, and each for himself depose and saith, that he is a subscribing witness to the paper writing now shown him, purporting to be the last Will and Testament of David L. Whitaker, that the said David L. Whitaker in the presence of this deponent subscribed his name at the end of said paper writing which is now shown as aforesaid, and which bears date of the 9th day of February, 1912.

And the deponent further saith, that the said David L. Whitaker the testator aforesaid, did at the time of subscribing his name as aforesaid declare the said paper writing so subscribed by him and exhibited to be his last Will and Testament, and this deponent did thereupon subscribe his name at the end of said will, as an attesting witness thereto, and at the request and in the presence of said testator, And this deponent further saith that at the same time when the said testator

subscribed his name to the said last Will as aforesaid, and at the time of the deponent's subscribing his name as an attesting witness thereto, as aforesaid, the said David L. Whitaker was of sound mind and memory, of full age to execute a Will, and was not under any restraint, to the knowledge, information or belief of this deponent: and further these deponents say not.

Gordon Crawford
W.C. Morrow.

Severally sworn and subscribed.
This 15th day of April 1912, before
me.

A.A. Fair
Clerk Superior Court

North Carolina, } ss. In the Superior Court.
Cherokee County }

It is therefore considered and adjudged by the Court that the said paper writing and every part thereof is the last Will and Testament of David L. Whitaker, deceased, Let the said Will, together with the probate, be recorded and filed. This 15th day of April 1912.

A.A. Fair
Clerk Superior Court.

Recorded April 15, 1912.

J.E. Neener,
Depty. C.S. C.

State of North Carolina

To Clarence P. Olson, 53 State Street, Boston Mass.

Greeting:- We reposing special trust and confidence in your integrity, do authorize and empower you to cause Samuel S. Gleason, Frederick E. Critchett and Allen H. Bond to appear before you at such time and place as you may appoint, and there or either oath to examine touching all such matters and things as they or either shall know of, and concerning and touching the execution of the last Will and Testament of Francis Kendall, and the proofs in writing, by you so taken, the same to transmit, sealed with your seal, to the undersigned Clerk of the Superior Court of Cherokee County, within A.A. Fair, Clerk of said Court, at Office in Murphy, N.C. the 25th day of March A.D. 1912.

A.A. Fair
Clerk Superior Court.

In the matter of the execution of
the last Will and Testament of
Francis Kendall,
Commonwealth of Massachusetts,
Suffolk County, ss.

Pursuant to an annual commission, directing the undersigned to take the deposition of Samuel S. Gleason, Frederick E. Critchett and Allen H. Bond, or either of them, in the matter of the execution of the last Will and Testament of Francis Kendall, to be used in the probate of said Will in Cherokee County, State of North Carolina, I caused the said Frederick E. Critchett to appear before me at my office, to 53 State Street, in the City of Boston and Commonwealth of Massachusetts, on the 12th day of April 1912, and I proceeded to examine the said Frederick E. Critchett, who being by me first duly sworn, deposes as follows:-

Deposition of Frederick E. Critchett,

1. What is your name, age and residence?

Ans. My name is Frederick E. Critchett, I am 58 years old, I live in Watertown, in the County of Middlesex and Commonwealth of Massachusetts.

2. Were you acquainted with Francis Kendall, late of said Watertown, deceased?

Ans. I was well acquainted with Francis Kendall.