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OKLAHOMA CITY, OKLA.

ROBERT M. WILLIAMS  
CHAS. E. FRANCE

April 6, 1926.

Mr. J. R. Simpson,  
Miami, Oklahoma.

Mill & Criswell,  
Wewoka, Oklahoma.

Mr. J. E. Lester,  
Seminole, Oklahoma.

Gentlemen:

We have had a great deal of difficulty in being able to get an interview with Miss Bond. She refused absolutely to talk to us. She is very much prejudiced in Mrs. Warden's favor. Finally, through Mr. Foster, the hospital superintendent, and Mr. France of this office, who was acquainted with her, Mr. France and Judge Miley were able to see her. She refused to sign any statement whatever, but the enclosed is a transcription of the notes made by them, which were read over to her and approved by her.

Doctor Wallace has not yet completed his analysis of the daily reports at the hospital, but has promised to have it within a few days and to go over the entire matter with us and the two other physicians.

We have been spending a great deal of time upon the investigation of authorities, and I have hoped to be able to send you a memorandum brief by this time, but they are so numerous and so complicated that we have not been able to work it out. We are endeavoring to examine every reported case in the United States bearing on the subject. I may say, however, that our examination tends to support the following conclusion.

First, the authorities in England were at wide variance upon the question of whether or not the execution of a second will which was subsequently destroyed would revive a previous undestroyed will. The common law courts took one view and the ecclesiastical courts took another view. They also drew a distinction as to whether or not the second will would have been subject to probate if not destroyed, and as to whether or not it contained an expressed ~~revers-~~atory clause. To settle the whole matter, what was called the Victoria statute was passed, which is practically the statute which we have and which is adopted in a number of the states,

including California. The American courts in states where there is no statute have divided as widely as did the English courts prior to the passage of the statute; but in those states in which the statute is in force, I think the authorities are practically unanimous to the effect that the execution of a second will, which, if it had remained undestroyed, would have been subject to probate, revokes the prior will; provided, the second will either contains an express revocatory clause, or, second, disposes of all of the property of the testator, so as to leave nothing upon which the first will might operate. If the second will does either of these two things, there is no distinction as to its effect in revoking the prior will. It does revoke that will and that will cannot be revived except by publication and signature in the same manner as would have been necessary when it was first made.

If Miss Bond's statement is true and Mr. Strother was of sufficient mental capacity to legally destroy the second will, our judgment is that it nevertheless operated as a revocation of the first will, which was not republished as required by law, and will leave him in the position of dying intestate.

You will find the whole question very elaborately discussed in 23 A.L.R. page 911 and following.

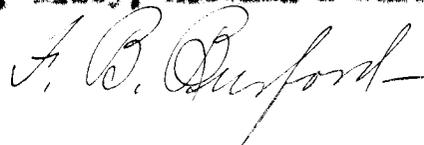
By the time of the trial we will have every case which we can locate analysed and ready for presentation to the Court.

Meanwhile, we should like to hear from Mr. Lester, whether or not he was able to get any facts from Mr. Hill. From the rumors about the hospital we gather that Mr. Strother regretted that he had made Mr. Simpson the sole executor of the final will and that he thought he ought to have joined Hill in as joint executor, and that probably this feature was played upon for the purpose of getting him to destroy the second will - in the belief on Mrs. Warden's part that a destruction of the second will would revive the first.

Yours very truly,

Burford, Miley, Hoffman & Burford,

By



In reference to Mr. Strother's will,-on April 5th, 1926, about 2 P.M. Mr. France and I interviewed Miss Bertie Bond at 430 East 13th Street, Oklahoma City. Miss Bond stated that she saw Mr. Strother destroy a document shortly after noon on the Sunday previous to his death; that she was asked by Mrs. Warden that morning if she would be present and witness the destruction of a will in case Mr. Strother desired to do so, and she said she would. Shortly after 12 o'clock, Mrs. Warden asked her to go in Mr. Strother's room for that purpose. She did so, and found Mr. Hill in the room. Mrs. Warden did not return to the room at that time. She thinks that Mrs. Warden went after another nurse who could be present. When she entered the room, Mr. Strother had a document in his hands. Mr. Strother asked Mr. Hill if that was the second will, and Mr. Hill said that it was. Mr. Strother said, "I didn't want him to have it" and tore the document in several pieces. Mr. Hill gathered up the pieces and placed them in an envelop. She and Mr. Hill only were in the room at the time. Mr. Hill then read a will; whether he read it all, she is not sure. As far as she remembers, Mr. Strother did not request the reading of this instrument. He said nothing during the time it was being read, and nothing afterwards. She and Mr. Hill were the only ones present during the reading of this instrument. She heard Mr. Strother say nothing more about the ~~reading of this instrument~~ the document that was destroyed other than above stated. Mrs. Warden came into the room after the incident above related, with a pupil nurse, whose name she does not now recall. The pupil nurse merely stepped in the door, and then immediately stepped out. Mrs. Warden evidently saw that the will had already been destroyed. She does not recall that anything was said to Mrs. Warden or by Mrs. Warden. As she now remembers it, the special nurse, who had charge of Mr. Strother, came in shortly after Mrs. Warden did, and she thereupon left. She did not think that the special nurse saw or heard anything about the destruction of the document or the reading of the will. She did not see Mr. Hill when he came to the building and she did not see him when he left. She was in the room only a few minutes. When she left the room, only Mr. Hill, Mrs. Warden, and possibly the special nurse were there. She does not recall that she saw Mr. Strother again after that. She never heard Mr. Strother say anything about either will, either before or after she saw him tear up the document that was said by Mr. Hill to be the second will and heard another instrument read. She stated that sometime ago she made a statement to Mr. Warden substantially the same as that made above. She stated that she signed that statement, but that she would not sign another.

When I was first talking to Miss Bond, she said she was not sure what she called the first will was read in its entirety, that Mr. Strother seemed to grow tired during the reading. I made a note of that, but when I came to read my notes over to her and asked if they were correct, she asked me to strike that out.

I asked Miss Bond if she knew what Mr. Strother meant by the statement, "I didn't want him to have it" and she said that she had no idea. I asked her if she recalled any of the provisions of the will that she heard Mr. Hill reading and she said that she could not; that she did not pay particular attention to it. She stated further that she thought that Mrs. Warden was trying to find someone else to be present when the document was destroyed and that she got back too late.

J. H. Miley.

TRANSCRIPT OF TESTIMONY.

Miss Glidewell testifies as follows: (BY MR. LESTER)

Q. Were you on duty about the middle of the week before Mr. Strother died?

A. Yes sir, I was on duty Tuesday and Wednesday.

Q. Did you get a call from me a few days before he died as to whether he would be able to transact business or not?

A. Yes sir, and I told you that I did not think he was.

Dr. Wallace had told me that he was to transact no business whatever.

Q. Do you remember which day it was that I called?

A. I could not tell you just the day but I know it was sometime the week before.

Q. When did you come into the case?

A. I came into the case on the 31st. day of January.

Q. You were on duty in the day time at all hours?

A. The first week from Sunday night to the following Saturday night I was on duty twenty-four hours; I had the case by myself until then when Miss Davis came on and from that on I was on duty in the daytime with the exception of four days that I was off duty.

Q. Were you on duty when Mr. Strother died?

A. I was there the day he died and up until his death; he asked that both nurses remain on until the end.

Q. Were you on duty the Sunday before he died?

A. No sir.

Q. Were you on Saturday?

A. Yes sir.

Q. Then when did you come back?

A. Tuesday morning, before he died.

Q. Do you remember Mr. Strother's condition about the 15th. day of February? To refresh your memory the day of the night that he made the Will?

A. Well, I could not tell you exactly, but for three or four days, in fact for a week, he had been very nervous and excited, but I don't remember just to the day.

Q. Do you remember the day Mr. Simpson came?

A. Yes sir.

Q. Did you have any conversation with Mr. Simpson at any time relative to Mr. Strother making a Will?

A. I think not, not until in the afternoon. I think the first time we spoke of it was when he asked me if we could get a stenographer in the house, and he told me then that Mr. Strother wanted to make a Will.

Q. Did you overhear the conversation between Mr. Simpson and Mr. Strother as to his Will?

A. I paid no attention to their conversation; I think all I heard, I was sitting in the room at the time, when I heard Mr. Strother say that he wanted to make Mr. Hill Administrator, or something to that effect, and they discussed that, and that was all I heard the two of them talk about the Will.

Q. What seemed to be the relation between Mr. Simpson and Mr. Strother at that time.

A. I did not notice anything out of the way. I had never met Mr. Simpson before, but I did not notice anything out of the way between them.

Q. There was no quarrel between Mr. Simpson and Mr. Strother as to making of the will or any of the conditions?

A. No, that statement that Mr. Strother said he wanted to make Mr. Hill Administrator, and Mr. Simpson said that he believed Mr. Hill was a mighty good man, but that he was young and inexperienced. He said he thought it was too much responsibility for him to undertake.

Q. Do you remember when Mrs. Warden came with reference to the time Mr. Simpson was there the last time?

A. She came a day or two following, I don't remember just what day.

Q. After Mrs. Warden came did you ever hear her and Mr. Strother discussing the Will?

A. I did not, except one time I had been out of the room and as I came into the room, I did not understand what Mr. Strother said but I heard Mrs. Warden say, "No~~W~~ brother lets don't talk about that, you are going to get well and now you rest and you can make a new Will then."

Q. Were you ever present in the room when Mr. Hill was in the Room?

A. Yes sir, I was in and out all the time Mr. Hill was there.

Q. Did you ever hear Mr. Hill discuss the Will with Mr. Strother.

A. No, I never heard it mentioned.

Q. Then from Saturday before he died up until Tuesday before he died you don't know anything about it?

A. No, I was not on the case, Miss Hattie Dawkins was on the case.

Q. Do you know where she is?

A. She left here on Friday after she came off of the case with her brother and his wife, and they were going to Mayos and had planned on settling in Seattle, Washington, so, I could not tell you where you could find Miss Dawkins.

Q. Did you know whether or not Mr. Strother sent a telegram to Mr. Simpson asking him to come to Oklahoma City?

A. Yes sir, I sent the telegram.

Q. Under whose direction?

A. Mr. Strother's.

Q. Can you state approximately what was in that message?

A. I think I can, it was "Mr. J. R. Simpson. Come at once, don't bring Sudie at my expense." When he woke up I started to feed him his breakfast and he asked me to send the telegram and I walked back to the office and sent it about 8:30 Sunday Morning.

(BY MR. SIMPSON)

Q. Did you at any time during the day, this Sunday, hear Mr. Strother say that he believed he would leave Blossom and Bertha out.

A. No sir, I did not.

Q. You did not hear Mr. Strother say anything about remembering both his sister and his neice?

A. No, I was not in there.

Q. You did not hear me suggest that Mr. Strother make Mr. Greer Administrator because he had made good and made a success?

A. I heard you suggest someone but I did not know the party.

Q. I did not suggest myself?

A. No sir, I think not.

(BY MR. LESTER)

Q. Do you remember J. E. Lester calling over the phone from Seminole on Thursday of the week before Mr. Strother died?

A. I remember that Mr. Lester called me, but I can not say the day.

Q. It was the week before?

A. Yes sir the week before.

Q. Do you remember the substance of that conversation?

A. I remeber you asked if Mr. Strother was in any condition to transact business.

Q. To refresh your memory, do you remember I told you I was his Attorney?

A. Yes sir, you said you was his attorney.

Q. And your answer, when I asked you about his condition to transact business?

A. I told you I did not think Mr. Strother was in a condition to transact any business whatever.

(BY MR. CRISWELL)

Q. Did Mr. Strother sand any telegram to anyone on Saturday?

(BY MR. SIMPSON)

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(BY MR. LUTHER)

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(BY MR. LUTHER)

Q. You did not hear me suggest that Mr. Strother

A. Yes sir, I sent a telegram for him about 6:30.

Q. Who to?

A. To J. J. Hill at Seminole.

Q. At his request?

A. Yes sir.

Q. What was stated in this telegram?

A. "Come and bring both Wills tomorrow.

Q. That was about 6 o'clock.

A. Between 6 and 6:30.

Q. Do you have any independent recollection as to Mr. and Mrs. Warden being in the room during the day and talking to him about a Will?

A. Mrs. Warden was here but I don't believe she was in the room with him alone more than five minutes during the day.

Q. Did you hear all the conversation between her and Mr. Strother during the day?

A. Yes sir, I think so.

Q. Do you have any independent recollection as to what the conversation was about; what did Mr. Strother talk about?

A. About first one thing and then another.

Q. Did he seem conscious of what he was saying?

A. Well, he slept most of the day and as he would waken he talked seemingly fairly conscious.

Q. What was the difference in his mental condition that day relative to the time he made the Will.

A. I don't know exactly, but I think he was as conscious as he was the day he made the Will.

Q. You were present when the Will was made?

A. Yes sir.

Q. Then you were present on Saturday prior to his death on Tuesday?

A. Yes sir.

Q. Could you say he was conscious and realized what he was doing as much so as the day he made the Will?

A. Yes sir I think so.

Q. Is it true or not that after that he gradually grew worse up to the time he died?

A. There were times he gradually grew worse physically and mentally and there were days that he seemed to be mentally clear, and then there would be days that he wasn't, and it was that way up until the end.

Q. Do you have any independent recollection of his mental condition on Friday before he sent that telegram on Saturday evening?

A. I don't believe I could tell you just how he was that day. I know that Saturday morning he seemed better and I remember Mrs. Simpson left for home that Saturday afternoon. She talked to the Doctor and he told her he was some better that day, but Friday he seemed a little better than the day before.

Q. What time did Mrs. Simpson leave the hospital Saturday?

A. She left between 12 and 1 o'clock.

Q. <sup>Was</sup> ~~Then~~ Mrs. Warden there in the afternoon after Mrs. Simpson left?

A. Mrs. Simpson and Mrs. Warden left together then Mrs. Warden came back somewhere between 2 and 3 o'clock and then she left again between 3:30 and 4 for Dr. Chase's office; she had an appointment with Dr. Chase and she went to his office about that time.

Q. You sent the telegram between 6 and 7 o'clock to Mr. Hill?

A. Some where about that time. Mr. Strother asked for Mrs. Warden about five o'clock then he asked for her again between 6 and 6:30.

Q. Did Mr. Strother ask for Mrs. Warden before you sent the telegram?

A. Yes sir.

Q. Just prior to the time you sent it?

A. Yes sir. I asked him what he wanted with her and he said he wanted to send a telegram and I told him I would send it for him and he said maybe it would be best for me to send it anyway, and he dictated it and said "J. J. Hill, bring both Wills and come tomorrow".

(BY MR. SIMPSON)

Q. Do you remember what the treatment was before the last Sunday.

He  
~~What~~ was given three hypodermics wasn't he?

A. I don't think so, but I was not on duty then. Miss Davis could give you that information, or the Chart at the hospital will show <sup>just</sup> what was given.

Constance Davis, 1217 N. Walnut St., Oklahoma City, testifies as follows:

(BY MR. LESTER)

Q. You may state your name?

A. Constance Davis.

Q. Did you know O. D. Strother in his lifetime?

A. Yes sir, I took care of him in the hospital the only time I ever <sup>saw</sup> ~~knew~~ him.

Q. When did you first begin taking care of him?

A. It was sometime about the 6th. of February. I was on night duty.

Q. Were you his nurse on the 15th. day of February?

A. Yes sir, on night duty.

Q. When do you go on duty?

A. 7 o'clock.

Q. When do you quit?

A. 7 o'clock in the morning.

Q. What was Mr. Strother's condition on the night of the 15th. of February, the night on which he made a Will?

A. He had been awfully sick all day and was very much torn up.

Q. Do you remember the occasion of his making a Will on that night?

A. Yes sir I was aware he was making one.

Q. Were you present any part of the time?

A. I came in the room once or twice.

Q. Did you hear any of the conversation?

A. No sir.

Q. Had you ever heard anything in regard to a Will?

A. He told me that evening that he was going to make another Will.

Q. Have you discussed the Will with anybody else?

A. Nobody except the party I made a statement to the other day.

He wanted me to make a statement as to Mr. Strother's condition and I did.

Q. Did you know Mrs. Warden?

A. Yes sir, I saw her once or twice. She came up one night and asked me how he was resting and stayed about three minutes and one other evening she came in and stayed five or ten minutes.

Q. Mr. Strother never discussed the Will with you at any time did he?

A. He told me that he had made a Will favoring his adopted daughter. He said he left her \$10,000.00 besides something else I don't remember what it was.

Q. Was that the full extent of this conversation with him regarding the Will.

A. That is as far as I remember.

Q. Did he ever say in anyone else's presence that he was dissatisfied with that Will.

A. He said something to that effect. He had a habit of talking out loud about affairs when he would wake up.

Q. Do you remember any of the statements that he made?

A. One night he groaned and I asked him if he wanted something and he said he had made an awful mistake, and I said what was it and he said it was that Will, and that is all he said.

Q. What was your understanding as to which Will he meant?

A. The one he had just made.

Q. What time was it, with reference to the time he made the Will, that he made this statement?

A. He made that Will the 15th. and this was three or four nights before he died. I think he had told Mr. Hill about it and it was on his mind.

Q. It was three or four nights before he died before he made this statement?

A. Yes sir.

Q. Who told Mr. Hill?

A. He had a nurse send a telegram.

Q. Did he say anything about the Will at any time before this?

A. He said something a time or two but I never paid any attention to what he said.

Q. Was he conscious at these times he was making these statements?

A. Sometimes he was and sometimes he wasn't.

Q. He talked about a number of things when he was in that condition didn't he?

A. Yes, he would be asleep and wake up and he would talk about the deals and things to Mr. Hill.

Q. That was when he was out of his head?

A. No, he wasn't out of his head, just waking up.

Q. Mr. Hill wasn't present at any time was he?

A. No, he was not present at any time until the last night.

Q. Mr. Hill was there the night he died?

A. Yes sir. He had me send him a telegram the last night, and he came on the morning of the 17th.

Q. After Mr. Hill came did they discuss the Will at any time?

A. No, Mr. Strother grew worse all that day and they did not discuss it for he was unconscious.

Q. Did Mrs. Warden ever talk to you about the Will?

A. No, she never talked to me.

Q. Did you talk to anyone about it?

A. No one except Mr. Strother and Mr. Warden

Q. When did Mr. Warden first talk to you about it?

A. About the 12th. of March, I believe, he came to my home but I don't remember just when it was.

Q. Was that prior to the last Sunday that Mr. Strother lived?

A. I believe it was.

Q. You think it was about the 12th?

A. Yes sir.

Q. He asked you for a statement?

A. Yes sir, but I don't remember now all I told him, but I told him just his condition.

Q. He talked to you about like I am?

A. Yes sir.

Q. Did he make any statement as to why he was talking to you at that time?

A. He did not only he said he did not think he was competent to make a will at that time.

Q. You are sure that he made that statement?

A. Yes sir, he said he did not think he was competent to make a Will on the 15th. of February.

Q. Did he state any reason why he thought he was not competent?

A. Yes sir, he said he had been sick and was not physically or mentally able.

Q. And for that reason he did not think he was competent to make a Will?

A. He did not think the old man had clear what he was doing, that was what his attitude seemed to me.

Q. Did he ask you if you had heard Mr. Simpson talk to Mr. Strother about the Will?

A. Yes sir, he asked me if I was present and I told him no that I was just in and out of the room.

Q. Did Mrs. Simpson talk to you?

A. No, she came over to see how her father was.

Q. She never discussed the Will with anyone in your presence?

A. No sir.

Q. And you never heard the purported terms of the Will discussed by anyone?

A. No sir, just Mr. Strother said that night that he was going to make a Will and make it to Louise. Of course, he talked about it some in his sleep or when he was waking.

Q. He did not talk any more about the Will at those times than he did other business did he?

A. No sir, he talked about other things a lot and would talk to himself?

Q. He had a habit of talking about whatever was on his mind?

A. Yes sir.

Q. Do you know whether or not Mr. Strother made another Will after that one that we have just talked about; the one he made on the 15th. of February.

A. No sir.

Q. You could not be mistaken about Mr. Warden coming to see you about the 12th.?

A. I think not.

Q. You are not mistaken about the time with reference to the last Sunday that Mr. Strother lived?

A. No sir.

(BY MR. CRISWELL)

Q. He came to you home didn't he?

A. He was in town and came down by the house and asked me a few things that he had forgotten three or four days ago. The first time he called me up and I came by the Skirvin and saw him there.

Q. He made an appointment with you to meet him at the Skirvin?

A. Yes sir.

Q. Did you then have a conversation with him about the Will?

A. Mostly about Mr. Strother's condition at the time he made the Will.

Q. That was the Will which was made on the 15th.

A. Yes sir.

Q. Was it on Friday?

A. Yes sir.

Q. That was on the 12th. day of March, subsequent to the Will being made on the 15th. day of March.

A. Yes sir, that is right.

Q. You say you had another conversation with him after that?

A. Yes he was in town and came down a few days ago.

Q. Do you remember what date that was?

A. No sir, but it was since Mr. Strother was buried.

Q. Did he come to your home?

A. Yes sir.

Q. Was anyone with him?

A. No sir.

Q. In that conversation you discussed Mr. Strother's mental condition on the 15th. day of February, as to him being competent to make a Will?

A. Yes sir that was the purpose of his visit at that time.

Q. Were you on duty on Saturday night before Mr. Strother died, on Tuesday, the 17th. of March?

A. Yes sir, I was on every night.

Q. You were on duty at 7 o'clock?

A. Yes sir.

Q. Would anyone other than yourself go in the room where Mr. Strother was after you went on duty?

A. No, they never come back at night.

Q. What was Mr. Strother's mental condition on Saturday night before he died on Tuesday?

A. Pretty good.

Q. Did he rest well that night?

A. As well as I remember he did.

Q. Did he discuss anything about the Will with you that night?

A. I don't remember, but I don't believe he did.

Q. Now, on Sunday night, do you have any independent recollection as to what his condition was?

A. Pretty good.

Q. Did he discuss anything about the Will to you or anyone that night?

A. No, other than talked about things, deals you know, he tried to do that until the very last. He would wake lots of times and talk to me.

Q. Did he make any statement to you that night about a Will being destroyed during the day?

A. Yes sir, he said something about it, he said he tore it up.

Q. Did he say what made him tear it up?

A. He said he thought it was best.

Q. Did he tell you anything about anyone being present at the time he tore it up?

A. No sir. The nurse told me she was present though.

Q. What did she tell you about it?

A. She said she was present when a Will was torn up. She said she was not there until they asked her to come in.

Q. That is the nurse that is gone?

A. She is out of the State somewhere I don't know where.

Q. Did anyone else say anything to you about the Will being torn up?

A. ~~That~~ <sup>the</sup> night that Mr. Strother died, Mr. Hill told me that he got Miss Bond to come in and witness it that he did not want to get in bad.

Q. What else did Mr. Hill say about getting in bad?

A. He said he did not want to do anything that wasn't right, he got Miss Bond in so that they could ~~not say~~ <sup>see</sup> that he was not having anything to do with that Will, said he wanted to be careful and not do anything wrong, and that he wanted witnesses to everything that was done.

Q. Did Mr. Hill tell you about anyone else besides Miss Bond being there?

A. He called someone else on that floor but I don't know who.

Q. Did Mr. Hill tell you who the other witnesses were?

A. He said Miss Bond and Mrs. Warden.

Q. Mrs. Warden was present?

A. Yes sir, she was present.

Q. Was there anyone else she told you about?

A. I can't remember anyone else.

Q. Did anyone say anything to you about an Attorney being present?

A. No sir, and I am pretty sure there wasn't.

Q. Did they say anything about a Doctor being there?

A. I believe so.

Q. On Sunday afternoon how was he feeling?

A. He was doing very well and was real sensible Friday night, Saturday night and Sunday night.

Q. Do you know whether or not a Doctor was present that afternoon the Will was torn up?

A. No sir I do not.

Q. Is Miss Bond the lady who is gone?

A. Yes sir, her father was very ill and she was called home.

Q. She was the special nurse who was serving while Miss Glidewell was sick?

A. No, Miss Dawkins was serving then, but she had gone to lunch. Miss Bond was a Supervisor on that floor.

Q. Who is Miss Dawkins?

A. She was the special nurse who acted while Miss Glidewell was sick. Miss Glidewell had taken sick Sunday morning.

Q. Then Miss Bond was not Mr. Strother's nurse?

A. No sir.

Where is Miss Dawkins?

A. She lives here in the City, but she is out of the State for a few days rest. She will be back in a few days.

Q. She is coming back?

A. Yes sir.

Q. You don't know how long it will be before <sup>Miss Bond</sup> she will be back?

A. You can find out from Miss Dawkins. She lives at W. L. Douglas's at 215 East Park Street.

Q. Who was in Miss Glidewells place the day she was sick?

A. Miss Hattie Dawkins. You see Miss Bond supervises that floor and Miss Dawkins was gone and Miss Bond was called in as a witness

Q. Miss Dawkins was not a witness?

A. No sir, she had gone out to lunch.

(MR SIMPSON)

Q. This was done while Miss Dawkins was gone to lunch?

A. Yes sir.

Q. Mr. Hill came in and he told them to wait until he could get a witness, and he got Miss Bond?

A. Yes sir.

Q. Did Miss Dawkins say anything about her having told me and Mrs. Warden both to leave the room and not come back that afternoon?

A. She said something about company was there and she told them to leave.

Q. Did she say they both left?

A. Yes sir, she said they both left.

Q. When did she say she told us to leave, what hour?

A. She did not say.

Q. Did she say Mrs. Warden came back?

A. No, she said they both left and he had been quiet.

(MR. CRISWELL)

Q. Did you sign any statement in writing to Mr. Warden?

A. Yes sir, he took down a statement and typed it and I read it over and signed it.

Q. Was that in the presence of a Notary Public?

A. No we had two people come in and witness it.

Q. You read that statement very carefully and you know that it did not contain anything except what you have told us here.

A. I told him all he asked me, but I don't remember just what he asked me.

(over)

Q. The statements you made this evening are the same you made to him?

A. Yes sir, I think so, I have just told the truth.

Q. Did you see Miss Dawkins go out to the door?

A. Yes sir, I saw her go out to the door.

Q. Did you see Miss Dawkins go out to the door?

A. Yes sir, she went out to the door.

(MR. OSWELL)

Q. This was done while Miss Dawkins was gone to London?

A. Yes sir.

Q. Mr. Will came in and he told them to wait until he called?

A. Yes sir, and he got Miss Dawkins.

Q. Yes sir.

Q. Did Miss Dawkins say anything about her father told me and

Mr. Will then both to leave the room and get some more?

A. Yes sir.

Q. She said something about company was to be called and then

to leave.

Q. Did she say that?

A. Yes sir, she said they both left.

Q. Did she say she was to leave, that was

A. She did not say.

Q. Did she say Mrs. Dawkins was back?

A. No, she said they both left and she was disappointed.

(MR. OSWELL)

Q. Did you sign any document in writing to Mr. Will?

A. Yes sir, he took down a statement and typed it and I read it

over and signed it.

Q. Was that in the presence of a Notary Public?

A. No we had two people come in and witness it.

Q. You read that statement very carefully and you know that

it did not contain anything except what you have told us here.

A. I told him all he asked me, but I don't remember just what he

asked me.

LAST WILL AND TESTAMENT.

KNOW ALL MEN BY THESE PRESENTS:

That I, Oscar D. Strother, a widower, of sound and disposing mind and memory, but conscious of the frailties of human life, do hereby make, publish and declare this instrument to be my last will and testament.

ITEM 1. I direct the payment of my just debts, funeral expenses and the costs of administering my estate.

ITEM 2. I give and bequeath to J. C. Greer, of Martinsville, Virginia, the sum of Ten Thousand Dollars (\$10,000.00) in cash to be taken from the first cash available from my estate, after the payment of debts, funeral expenses and costs of administration, as aforesaid, to have and to hold in trust for the use and benefit of my beloved adopted daughter, Louise Strother, and to use either the income or the principal thereof, for her use and benefit as may be proper in the judgment of the said J. C. Greer; the said trust to continue until the said Louise Strother shall reach the age of thirty (30) years, at which time any part remaining of this bequest shall be delivered to her. The said J. C. Greer is not to be required to give bond as such trustee, but I direct and request that he keep the said Louise Strother at Miss Hockaday's School for Girls at Dallas, Texas, until she shall have finished her education in that school.

ITEM 3. I have now in a Safety Deposit Box in the Mercantile Trust Company at St. Louis, Missouri, 500 shares of capital stock of the Home Stake Oil & Gas Company; out of said stock I give and bequeath to my sister, Mrs. H. P. Warden of Delhi, Louisiana, Twenty (20) shares; to Mrs. J. C. Greer of Martinsville, Virginia, ten (10) shares, and to my beloved grandson, Strother Simpson, ten (10) shares; the remainder of said stock shall become a part of my residuary estate and be disposed of as hereinafter provided.

ITEM 4. I give and devise to J. J. Hill the house in which he now lives, located near the north line of the Northeast Quarter (NE $\frac{1}{4}$ ) of the Southwest Quarter (SW $\frac{1}{4}$ ) of Section 27, Township 9 North, Range 6 East, at a point about 600 feet East of the Northwest corner of the said above described land, together with a tract of land 300 feet wide and 300 feet deep surrounding said house to be selected by the said J. J. Hill, without, however, any of the oil and gas mining rights or royalties, in, under, or arising out of said land, or any contract in relation thereto, the said oil and gas mining rights and royalties being specifically excepted and reserved from this devise and made a part of my residuary estate, and to be disposed of as hereinafter provided. Or, if the said J. J. Hill shall so prefer and shall so designate in writing to my Executor, in lieu of the above devise, I give and devise to him the property known as the Luddy property, containing Five (5) lots and located in the Northwest Block of Beaty's Addition to the town of Seminole, Oklahoma.

ITEM 5. All the rest, residue and remainder of my property, real, personal and mixed, I give, devise and bequeath, in equal shares to my beloved daughter, Susan A. Simpson and J. C. Greer, as Trustee for my beloved adopted daughter, Louise Strother. The property so given, devised and bequeathed to the said J. C. Greer, to be held by him in trust for the use and benefit of the said Louise Strother, with full power in the said J. C. Greer, in his sole discretion to sell, lease or dispose of the same, or any part thereof free of his trust; the trust however, to attach to the proceeds of said property or to any income therefrom. The said J. C. Greer shall from time to time, as in his sole judgment may be proper, use the income from said property or any part of the principal thereof for the use and benefit of the said Louise Strother, holding the remainder in trust until she shall reach the age of thirty ~~xxx~~-five (35) years, at which time all of the remainder of said property shall ~~xxxxxx~~ be delivered to the said Louise Strother, to be hers absolutely. No bond shall be required of the said J. C. Greer, as trustee, and in the holding, management, sale, leasing or disposal of said property, he shall have full power to act regarding the same, or to dispose of the same free of this trust, being accountable only to the said Louise Strother for the honest and faithful management and accounting for said property.

In the event that Louise Strother should die prior to the final termination of the trust herein provided for, then the property remaining in the hands of her trustee shall be forthwith disposed of as follows, to-wit:

One-fourth to the Holiness Church of Seminole, Oklahoma;  
One-fourth to the Baptist Church of Seminole, Oklahoma;  
One-eighth to Mrs. J. C. Greer of Martinsville, Virginia;  
One-eighth to Mrs. J. P. Warden of Delhi, Louisiana, and  
One-fourth to be equally divided among the then living

children of J. R. and Susan A. Simpson. If any of the above named persons or organizations shall be dead or non-existent at the date of said distribution, if same should ever occur, then the part directed to be given to said deceased persons or non-existent organization, shall be divided among those remaining of the persons and organizations last above named in the same proportions as herein specified.

In the event, of the death, resignation or removal of said J. C. Greer as trustee hereunder, the First National Bank of Oklahoma City, Oklahoma, or the Trust Department thereof as said Bank shall elect or the successors of said bank, shall be and become substituted for the said J. C. Greer as trustee, with all the powers and duties herein given to or vested in the said J. C. Greer, trustee.

ITEM 6. I make, constitute and appoint, my son-in-law, J. R. Simpson, the Executor of this my Will and of my estate, without bond and with full power in the said Executor to sell, lease or dispose of my property, or any part thereof, subject only to the approval of the County Court having the administration of this my Will and estate. I request my executor to retain J. J. Hill in the service of my estate, in charge, subject to the direction of my Executor, of the farm lands and real estate which I shall own at my decease.

IN WITNESS WHEREOF. I have hereunto set my hand and seal this 15th. day of February, 1926, at Oklahoma City, Oklahoma.

(SEAL)

Signed, sealed, published and declared by Oscar D. Strother as his last will and testament in the presence of the undersigned, who at

IN THE COUNTY COURT OF SEMINOLE COUNTY, OKLAHOMA.

IN THE MATTER OF THE ESTATE

OF

O. D. STROTHER SOMETIMES KNOWN  
AS OSCAR D. STROTHER, DECEASED.

NO. \_\_\_\_\_

Comes now Susan Simpson, also known as Mrs. Sadie Simpson and leave of the Court and consent of the parties being first had to the filing of this pleading, shows to the Court that she is the daughter and an heir at law of Oscar D. Strother, deceased, and a beneficiary named in the purported will dated Feb. 14, 1924, offered for probate in the above numbered and entitled cause and is a person interested in the estate of said Oscar D. Strother, deceased.

Comes also J. R. Simpson and shows to the Court that he is one of the persons named as executors in the said purported will and is the sole executor named in a certain will made, published and declared by said Oscar D. Strother, deceased, dated Feb. 15th, 1926, and is a person interested in the estate of the said Oscar D. Strother, deceased.

That heretofore in the above numbered and entitled cause one J. J. Hill filed in this Court a petition for the probate for a purported last will of said Oscar D. Strother, deceased, dated Feb. 14, 1924, and your petitioners severally desire to contest the same and for grounds of such contest allege and state:

1. That the said purported last will dated Feb. 14, 1924, is not the last will and testament of the said Oscar D. Strother, deceased, but that in truth and in fact said Oscar D. Strother on or about Feb. 15, 1926, made, published and declared his last will and testament, which said will disposed of all of the property of the said Oscar D.

Strother and revoked the said will dated Feb. 14, 1924, and that said will dated Feb. 14, 1924, was never republished or in any way re-instated or legalized as the last will of said Oscar D. Strother, deceased; that said will of Feb. 15, 1926, has been offered for probate in this Court and constitutes the last will and testament of said Oscar D. Strother, deceased.

WHEREFORE, premises considered, your petitioners severally pray that the said alleged last will, dated Feb. 14, 1924, be denied probate and declared void and of no force and effect and for all proper relief in the premises.

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CONTESTANTS.

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IN THE COUNTY COURT OF SEMINOLE COUNTY, OKLAHOMA.

IN THE MATTER OF THE ESTATE

OF

O. D. STROTHER SOMETIMES KNOWN  
AS OSCAR D. STROTHER, DECEASED.

NO. \_\_\_\_\_

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Comes also J. R. Simpson and shows to the Court that he is one of the persons named as executors in the said purported will and is the sole executor named in a certain will made, published and declared by said Oscar D. Strother, deceased, dated Feb. 15th, 1926, and is a person interested in the estate of the said Oscar D. Strother, deceased.

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CONTESTANTS.

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PROOF OF PUBLICATION

State of Oklahoma, Seminole County, ss:—

Before me a Notary Public within and for said County and State, personally appeared

Jesse L Day who being duly sworn upon oath, states that he is

Editor of the Wewoka Daily Times, a newspaper of general circulation published in said county and state, and that said newspaper, as successor to the Konawa Enterprise, has been published for more than 52 consecutive weeks in said county and state; that the notice here-

to attached was published for 2 consecutive weeks in said paper, the first publication be-

ing on the 23 day of March

1926, and the last publication being on the

30 day of March 1926.

Jesse L Day

Subscribed and sworn to before me this 30

day of March 1926.

Notary Public.

My Com. Expires \_\_\_\_\_ 192\_\_\_\_\_

Publisher's fee 7.00

State of Oklahoma  
County of Seminole—ss:

**In the County Court Hereof**  
In the matter of the estate of Oscar  
D. Strother, Deceased:  
**Notice of Hearing Petition for Pro-  
bate of Will**

Notice is hereby given to all persons interested in the estate of Oscar D. Strother, deceased, that on the 20th day of March, 1926, J. R. Simpson produced and filed in the County Court of Seminole county, State of Oklahoma, an instrument in writing purporting to be the last will and testament of Oscar D. Strother, deceased, and also filed in said Court his petition praying for the probate of the said will and that letters of Administration with Will annexed, issue to J. R. Simpson, who is named as the Administrator in said Will.

Pursuant to an order of said Court, made on the 20th day of March, 1926 notice is hereby given that on the 8th day of April, 1926, at the hour of 1 o'clock p.m. has been appointed as the time for the hearing of the said petition and proving said will, at the County Court room, at the Court house in Wewoka, Seminole county, State of Oklahoma, when and where all persons interested may appear and contest the same.

In testimony whereof, I have here unto set my hand and seal of the Court this the 20th day of March, 1926.

THOS. O. CRISWELL, Co. Judge.  
(SEAL) Hill & Criswell, Attorney  
for J. R. Simpson

PROOF OF PUBLICATION

State of Oklahoma, Seminole County, ss:—

Before me a Notary Public within and for said County and State, personally appeared

*Jesse L. Day* who being duly sworn upon oath, states that he is *Editor*

of the Wewoka Daily Times, a newspaper of general circulation published in said county and state, and that said newspaper, as successor to the Konawa Enterprise, has been published for more than 52 consecutive weeks in said county and state; that the notice here-

to attached was published for *2* consecutive weeks in said paper, the first publication being on the *23* day of *March*

192*6*, and the last publication being on the *30* day of *March* 192*6*.

Subscribed and sworn to before me this *30* day of *March*, 192*6*.

Notary Public.

My Com. Expires \_\_\_\_\_ 192\_\_\_\_\_

Publisher's fee *7.00*

State of Oklahoma  
County of *Seminole*—ss:

In the County Court Hereof

In the matter of the estate of Oscar D. Strother, Deceased:

Notice of Hearing Petition for Probate of Will

Notice is hereby given to all persons interested in the estate of Oscar D. Strother, deceased, that on the 20th day of March, 1926, J. R. Simpson produced and filed in the County Court of Seminole county, State of Oklahoma, an instrument in writing purporting to be the last will and testament of Oscar D. Strother, deceased, and also filed in said Court his petition praying for the probate of the said will and that letters of Administration with Will annexed, issue to J. R. Simpson, who is named as the Administrator in said Will.

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(SEAL) Hill & Criswell, Attorney  
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ing on the *23* day of *March*

192*6*, and the last publication being on the

*30* day of *March* 192*6*.

*Jesse L Day*

Subscribed and sworn to before me this *30*

day of *March*, 192*6*.

*[Signature]*  
Notary Public.

My Com. Expires *12/31* 192*8*

Publisher's fee *7.00*

State of Oklahoma  
County of Seminole—ss:

**In the County Court Hereof**  
In the matter of the estate of Oscar D. Strother, Deceased:  
**Notice of Hearing Petition for Probate of Will**

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**THEO. O. CRISWELL, Co. Judge**  
(SEAL) **Hill & Criswell, Attorney**  
for J. R. Simpson.

**BURFORD, MILEY, HOFFMAN & BURFORD  
LAWYERS**

**906-912 FIRST NATIONAL BANK BUILDING  
OKLAHOMA CITY, OKLA.**

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**BURFORD, MILEY, HOFFMAN & BURFORD**

**LAWYERS**

**906-912 FIRST NATIONAL BANK BUILDING**

**OKLAHOMA CITY, OKLA.**

Last Will and Testament.

KNOW ALL MEN BY THESE PRESENTS:

That I, Oscar D. Strother, a widower, of sound and disposing mind and memory, but conscious of the frailties of human life, do hereby make, publish and declare this instrument to be my last will and testament.

ARTICLE I. I direct the payment of my just debts, funeral expenses and the costs of administering my estate.

ARTICLE 2. I give and bequeath to J. C. Greer, of Martinsville, Virginia, the sum of Ten Thousand Dollars (10,000.00) in cash to be taken from the first cash available from my estate, after the payment of debts, funeral expenses and costs of administration, as aforesaid, to have and to hold in trust for the use and benefit of my beloved adopted daughter, Louise Strother, and to use either the income or the principal thereof, for her use and benefit as may be proper in the judgment of the said J. C. Greer; the said trust to continue until the said Louise Strother shall reach the age of thirty (30) years, at which time the part remaining of this bequest shall be delivered to her. The said J. C. Greer is not to be required to give bond as such trustee, but I direct and request that he keep the said Louise Strother at Miss Hockaday's School for Girls at Dallas, Texas, until she shall have finished her education at that school.

ARTICLE 3. I have now in a Safety Deposit Box in the Mercantile Trust Company at St. Louis, Missouri, 500 shares of the capital stock of the Louisiana Oil & Gas Company. Out of said stock I give and bequeath to my sister, Mrs. J. J. Warden of Delhi, Louisiana twenty (20) shares; to Mrs. J. C. Greer of Martinsville, Virginia, ten (10) shares, and to my beloved grand son, Strother Simpson, ten (10) shares; the remainder of said stock shall become a part of my residuary estate and be disposed of as hereinafter provided.

ARTICLE 4. I give and devise to J. Hill the house which he now lives, located near the North line of the North-East Quarter (NE 1/4) of the Southwest Quarter (SW 1/4) of Section 27, Township 9 North, Range 5 East, at a point about 600 feet East of the Northwest corner of the said above described land, together with a tract of land 300 feet wide and 300 feet deep surrounding said house to be selected by the said J. J. Hill, without, however, any of the oil and gas mining rights or royalties in, under, or arising out of said land, or any contract in relation thereto, the said oil and gas mining rights and royalties being specifically excepted and reserved from this devise and made a part of my residuary estate, and to be disposed of as hereinafter provided. Or, if the said J. J. Hill shall so prefer and shall so designate in writing to my executor, in lieu of the above devise, I give and devise to him the property known as the Luddy property, containing five (5) lots and located in the Northwest block of Beatty's Addition to the town of Seminole, Oklahoma.

ARTICLE 5. All the rest, residue and remainder of my property, real, personal and mixed, I give, devise and bequeath, in equal shares to my beloved daughter, Susan J. Simpson and to J. C. Greer, as trustee for my beloved adopted daughter, Louise Strother. The property so given, devised and bequeathed to the said J. C. Greer, to be

STATE OF OKLAHOMA }  
SEMINGLE COUNTY } SS. IN THE Co. Court

I, GEORGE HARGRAVE, Court Clerk, within and for the State and County aforesaid, do hereby certify that the above and foregoing is a full, true, correct and complete copy of Last Will and Testament in the above entitled cause, as fully as the same appear of record and on file in my office.

Witness my hand as Clerk and Official Seal this 21 day of July 1930  
G. HARGRAVE, Court Clerk

*Handwritten initials or signature on the right margin.*

MAY 26 1926

ELLIS COOPER  
COUNTY CLERK

BOOK 219 PAGE 467

hold by him in trust for the use and benefit of the said Louise Strother, with full power in the said J. C. Greer, in his sole discretion to sell, lease or dispose of the same, or any part thereof free of this trust; the trust however, to attach to the proceeds of said property or to any income therefrom. The said J. C. Greer shall from time to time, as in his sole judgment may be proper, use the income from said property or any part of the principal thereof for the use and benefit of the said Louise Strother, holding the remainder in trust until she shall reach the age of thirty (30) years, at which time one-half of the principal remaining shall be delivered to her to be hers absolutely, and the remainder in like trust until she shall reach the age of thirty-five (35) years, at which time all of the remainder of said property shall be delivered to the said Louise Strother, to be hers absolutely. No bond shall be required of the said J. C. Greer, as trustee, and in the holding, management, sale, leasing or disposal of said property, he shall have full power to act regarding the same, or to dispose of the same free of this trust, being accountable only to the said Louise Strother for the honest and faithful management and accounting for said property.

In the event that Louise Strother should die prior to the final termination of the trust herein provided for, then the property remaining in the hands of her trustee shall nevertheless be disposed of as follows to-wit:

- One-fourth to the Holiness Church of Seminole, Oklahoma;
- One-fourth to the Baptist Church of Seminole, Oklahoma;
- One-eighth to Mrs. J. C. Greer of Martinsville, Virginia;
- One-eighth to Mrs. M. P. Warren of Delhi, Louisiana, and
- One-fourth to be equally divided among the then living

children of J. R. and Susan A. Simpson. If any of the above named persons or organizations shall be dead or non-existent at the date of said distribution, if same should ever occur, then the part directed to be given to said deceased persons or non-existent organization, shall be divided among those remaining of the persons and organizations last above named in the same proportions as herein specified.

In the event, of the death, resignation or removal of said J. C. Greer as trustee hereunder, the First National Bank of Oklahoma City, Oklahoma, or the First Department thereof or said Bank shall elect, or the successors of said bank, shall be and become substituted for the said J. C. Greer as trustee, with all the powers and duties herein given to or vested in the said J. C. Greer, trustee.

ARTICLE 6. I make, constitute and appoint, my son-in-law, J. R. Simpson, the Executor of this my Will and of my estate, without bond and with full power in the said Executor to sell, lease or dispose of my property, or any part thereof, subject only to the approval of the County Court having the administration of this my Will and estate. I request my executor to retain J. J. Hill in the service of my estate, in charge, subject to the direction of my Executor, of the farm lands and real estate which I shall own at my decease.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 15th day of February, 1926, at Oklahoma City, Oklahoma.

(SEAL)

Oscar D. Strother

Signed, sealed, published and declared by Oscar D. Strother as his last Will and Testament in the presence of the undersigned, who, at his request and in his presence and in the presence of each other, sign the same as witnesses.

J. Lester  
Paul Burkford  
Maudie Sifer

Seminole Okla.  
Oklahoma City, Okla.  
Oklahoma City, Okla.

MRS. WARDEN'S STATEMENT CONTINUED, HOLDSVILLE, MOH. 24, 1926

Brother had serious illness in Tulsa last of May and in June, 1925. I was telephoned for and on that trip spent five weeks with him while he was in hospital and hotel and took him to his home in Seminole.

Sudie and her husband drove from Miami to Okmulgee to attend a wedding during that period, passing through Tulsa going. Sudie saw her father a few hours, her husband having business in the city. Returning the following day from the wedding, Sudie stopped a few hours, ~~and~~

When he went to St. Louis in November, 1925, and became very ill, in December I had been hurt in an automobile accident and wrote Sudie to go to her father. She replied she had the flu and could not go. I went to see him in St. Mary's Hospital, St. Louis, about December 15th, and remained with him over two weeks and left him in the home of his trained nurse improving.

I spent last Christmas with him. On my return home I wrote Sudie an urgent letter about her father and she then went to see him in St. Louis in January, 1926, and spent about a week with her father, part of the time with her daughter in school at St. Charles.

When he was moved from St. Louis to Oklahoma City in January, 1926, she did not visit him until after her husband had gotten Brother to make a will, February 15th. She came on Tuesday, 16th, and with her husband went to Seminole that afternoon. She returned to Oklahoma City Wednesday P. M. late, 17th, and remained till Saturday, 20th, when she went home to Miami.

February 27th when Brother's condition became very serious I phoned, requesting Sudie or her husband to come, not thinking he could live but a few hours.

When at my request, my niece, Mrs. Simpson, came March 1st, I did not dream that she was to be a spy on me. I proposed to her that we have separate hours for staying with Brother, as the nurse did not like for more than one to be in the room at a time, but she refused that proposition and went with me to the hospital and returned with me to the boarding house. We occupied the same room. When she had a bad cold Dr. Wallace gave her medicine to take every half hour and told her to go to bed and stay all day. I said Sudie if you will go back to the room, I'll go with you and give you your medicine every half hour and stay right with you. But she refused to do so. A day or two later I went down town while she was still at breakfast, having finished my own, I met Mr. Warden and got some money from him. When I ~~came~~ to the hospital and went into the room she said, where have you been? I went straight to Brother, who was fretting because I was late and talked a while to him.

At noon when we got to our room Sudie said, I wrote to Russell that there is too much mystery for me, and burst into tears. At first, I felt indignant and didn't intend to reply; but later realizing she, like myself, was overwrought, said Sudie, your Uncle Hubert and I do not tell our business matters to our own children and I didn't answer you because this was a purely personal matter. I said I am

easy to see that you are so suspicious of me. Remember, for years you were my little daughter and I'm not going to injure you. You and I have loved each other too long to fall out now.

Saturday, March 13th, Mrs. Simpson and I left the hospital at noon- she went down town after stopping at the boarding house for her suit case, and went home on the 2:40 P. M. train to Miami. After eating my lunch I rested as usual and returned to the hospital shortly after 2:00 o'clock. After staying an hour, my Brother being quiet, I told Miss Glidewell, the day nurse, that I was going to the doctor's as my medicine was out and I had an appointment at 4:15 P. M. I missed my first car and was also detained at the railroad crossing a few minutes, so was a little late at the office and so lost my turn. After the doctor had examined me, he gave me a different prescription and I went to Neasy's to get it filled. It was so nearly 6:00 o'clock when I got home to my boarding house that I did not return to the hospital. I usually waited at the hospital until after the day nurse had 6:00 o'clock dinner and then went home.

The next morning when I returned to the hospital about 9:00 or a little earlier, I saw Mr. Simpson standing in the hall talking seriously to Dr. Wallace, who was seated at the table. I went up and shook hands with both, and after a moment's conversation, went into Brother's room just across the hall, Mr. Simpson following me into the room. Our greetings were simple and we soon set down. Brother was quite restless. His usual day nurse, Miss Glidewell, was suffering from a vaccinated arm and was unable to come but had sent a substitute, Miss Dawkins, who nursed him Sunday and Monday.

About an hour or less later I left the room for a drink of water and as I opened the door there stood Mr. Hill. I was quite surprised at seeing him so early. He beckoned to me and stopped back a few paces around the corner of Brother's room. He said, did you send me a telegram? I said No and asked if he got one. He said I got this, and handed to me a telegram, "J. J. Hill, Seminole, Come tomorrow and bring both vills. O. D. Strother." That is the wording as nearly as I can remember. I told him Russell Simpson was in there. Then he added, I don't want to see Mr. Simpson until I see Mr. Strother. I said give me your number and I'll call you when he leaves. He gave me his number and left. When I returned to the room, Mr. Simpson was standing by Brother's side, but he immediately left and sat down.

His new nurse was quite worried about Brother's restlessness. I was a perfect stranger to the new nurse and so was Mr. Simpson. She told the Supervisor about Brother's restlessness and she came in, spoke to Brother, then left the room. Soon after this, almost noon, the nurse came in and said, you will have to go. I am responsible for Mr. Strother today and the doctor has said he must not have company. So you must go and not come back until 7:00 or 8:00 tonight.

Mr. Simpson left, I explained to her that I had been with Brother for nearly four weeks and he did not mind my being in the room.

I went to the phone at the Supervisor's table, and asked her if I could use her phone and called Mr. Hill, telling him not to wait for a car but take a taxi. I knew from experience that he might soon lapse into a stupor. I then asked Miss Bond, the Supervisor, if she would sit in the room while Mr. Hill talked to Brother and she said she would and she did. It was the noon hour Sunday dinner and I was trying to get an intern or a nurse to come too, but they were not on the hall. The door was open and as I passed the Supervisor made the motion to me of tearing paper. I called the student nurse at the phone table and told her to come in. Brother was just finishing tearing up the will and Mr. Hill was picking up the fallen scraps, putting them into a large envelope. I picked up a rather large piece. Mr. Hill turned to me right before Brother and said now there is the torn up will. I turned facing the Supervisor and nurses- the new nurse had now come in, and opened my hand bag and put it in. Brother said Berta I want you to read the other will. But as I was a little slow getting my pocket book closed, he said "Hill you can read it go on." and Mr. Hill read it in a loud clear tone and the three ladies heard it.

Then Brother said he wanted to add something to it, and we told him he would have to get a lawyer and a stenographer this afternoon, and he said all right. Then I asked him if he could sign a paper, which he did. I asked Mr. Hill if he had a fountain pen. He said no. I went out in the hall and got ink and pen from the table and he signed his name. Later in the afternoon when the lawyer and Mr. Hill returned he had gone back into a sort of stupor and couldn't tell what he wanted done, so in a very few minutes Mr. Wilson, the lawyer, realized it and left.

Monday morning both Mr. Simpson and Mr. Hill were at the hospital. After Mr. Hill had talked a while to Brother Mr. Hill motioned to me to come out in the hall. He said it was Monday morning and he ought to be in Seminole to start things. I told him I doubted if Brother would miss him but if he did I'd call him. He said he could drive it in three hours and would come any time. Later that afternoon Mr. Hill called me from Seminole and asked if Brother had called for him. I told Mr. Hill he had not in the forenoon, but he had in the afternoon. That I asked Dr. Wallace if I ought to send for Mr. Hill, but Dr. Wallace said he'd rather not have him talk business unless it was important.

Monday, Russell Simpson was again in Brother's room, both morning and afternoon, and it made Brother very nervous whenever he was there. Once in the afternoon about 4:00 o'clock, I remarked I was going to take my medicine and I went down to the cooler and took a dose of the heart medicine Dr. Chase had directed. When I got back Russell was standing by Brother, but he immediately left him and sat down. Poor Brother turned over and moaned "I want to die." "I want to die." "I want to die right now." and Russell got up and left the room. Later that afternoon the nurse told me that when she went into the room once while I was out Mr. Simpson was talking to Brother and just as she came in, Brother said "No, no. I don't want him to have it." She said she didn't like it because everytime she came back in the room Mr. Simpson was talking to Brother. Said that

Sunday when she went to dinner she met Simpson down stairs and he talked to her a long time and said the reason he was there his sister was trying to get Mr. Strother to change his will.

Mr. Simpson came again Tuesday morning, but the Dr. had given strict orders about quiet so he did not stay long and left for home Tuesday afternoon.

MRS. WARDEN'S STATEMENT CONTINUED, HOLDENVILLE, MARCH 25, 1926

Brother mentioned to me early after my arrival, February 17th, and from day to day, the making of his late will for Russell and complained bitterly about Russell's actions, as stated in my letters to Mr. Warden February 21st, and 28th. Friday the 12th, he called me to him and asked me if that will had been recorded. I told him I did not know but would write to Mr. Lester and ask him and I asked him why. He said "I want to tear it up." The nurse then came in with some food and the conversation did not go further on the subject.

Friday morning he called me to his bed and asked me if he was going to die or get well and I told him he could not get well. Then in afternoon he told me; "Berta you know Louise loves you more than anyone next to me, and I want you to be a mother to her." I told him he had often told me so. He then said "When I am gone, I want you to be a mother to her. I then told him "Brother if it is any comfort for you to know it, so help me God, I will be."

I told Dr. Wallace of these two conversations. Then Saturday morning, he called me to him and asked me if that will had been recorded, as stated above. This must have been Saturday, instead of Friday.

He also had asked Hill especially to look out for Louise.

(Signed) Alberta Warden.

STATEMENT OF MRS. GRACE TROUTMAN.

Seminole, March 25, 1926  
Oklahoma

My home has been in Seminole, Okla., over two years. I have resided at Seminole, Okla. for over two years near the residence of Mr. O. D. Strother, my husband being the preacher of the Holiness church near here.

About a year ago, when Mr. Strother was visiting at our home, he was telling us of the kindness of his sister to him, and among other things told me that he owed his sister Two Thousand Dollars.

He often visited us and told us about his personal matters.

(Signed) Grace Troutman

Witness:

Dave Troutman

TRANSCRIPT OF TESTIMONY.

Miss Glidewell testifies as follows: (BY MR. LESTER)

Q. Were you on duty about the middle of the week before Mr. Strother died?

A. Yes sir, I was on duty Tuesday and Wednesday.

Q. Did you get a call from me a few days before he died as to whether he would be able to transact business or not?

A. Yes sir, and I told you that I did not think he was.

Dr. Wallace had told me that he was to transact no business whatever.

Q. Do you remember which day it was that I called?

A. I could not tell you just the day but I know it was sometime the week before.

Q. When did you come into the case?

A. I came into the case on the 31st. day of January.

Q. You were on duty in the day time at all hours?

A. The first week from Sunday night to the following Saturday night I was on duty twenty-four hours; I had the case by myself until then when Miss Davis came on and from that on I was on duty in the daytime with the exception of four days that I was off duty.

Q. Were you on duty when Mr. Strother died?

A. I was there the day he died and up until his death; he asked that both nurses remain on until the end.

Q. Were you on duty the Sunday before he died?

A. No sir.

Q. Were you on Saturday?

A. Yes sir.

Q. Then when did you come back?

A. Tuesday morning, before he died.

Q. Do you remember Mr. Strother's condition about the 15th. day of February? To refresh your memory the day of the night that he made the Will?