

December 14, 1925.

STATE COMPENSATION INS. FUND,
VS.
WRIGHT CLAIM NUMBER 17659

State Compensation Insurance Fund,
State Building,
Civic Center,
San Francisco, Calif.

Gentlemen:

As per instructions by Industrial Accident Commission, I am mailing you a copy of petition, asking for a rehearing in the above styled cause. This is a copy of Complainant's petition except the deed from Martha Jane Wright and husband to Thomas W. Wright, mentioned as Exhibit "a". I have mailed this deed to the Industrial Accident Commission and failed to retain a copy of same.

Yours very truly,

JRH/MC

COPY;
Industrial Accident Commission
of California.

JOHN A. MCGILVRAY
CHAIRMAN
JOHN W. CARRIGAN
J. E. OLMSTED
MEMBERS
W. P. RATLIFF, SECRETARY
W. H. PILLSBURY, COUNSEL

INDUSTRIAL ACCIDENT COMMISSION
OF THE
STATE OF CALIFORNIA
STATE BUILDING, CIVIC CENTER

LOS ANGELES OFFICE
911 PACIFIC FINANCE BUILDING
SIXTH AND OLIVE STREETS

F. W. FELLOWS
ASSISTANT SECRETARY

SAN FRANCISCO

December 9, 1925

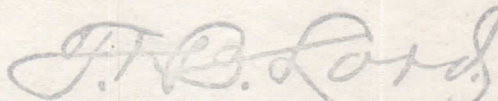
STATE COMPENSATION INSURANCE FUND vs. WRIGHT
Claim No. 17569

J. M. Hollinan, Esquire,
608 Lincoln Life Building,
Birmingham, Alabama.

Dear Sir:

This will acknowledge receipt of Petition for Rehearing, on behalf of Martha Jane Wright, which has been filed in the records in this office. Please be advised that copy of this petition should be served on the State Compensation Insurance Fund, State Building, Civic Center, San Francisco, and if this has not been done kindly do so at once - notifying this Commission.

Yours very truly,



Manager, Compensation Dept.

FHJ

BEFORE THE INDUSTRIAL ACCIDENT COMMISSION OF THE STATE OF CALIFORNIA.

CLAIM NUMBER 17569

STATE COMPENSATION INSURANCE
FUND AND CO-OPERATIVE FUMIGATION
AND SUPPLY COMPANY, a CORPORATION

Applicant

PETITION FOR REHEARING

VS.

MARTHA JANE WRIGHT,

Defendant.

In the matter of the above named claim and the finding of facts and the award rendered by the Industrial Accident Commission of the State of California, November 13th, 1925. of which a copy of said findings and award were received by Martha Jane Wright, on November 19th, 1925.

That the said Martha Jane Wright being dissatisfied with the award by said commission in the above entitled cause, respectfully petitions the said Industrial Accident Commission of the State of California as provided in Section 64, of the Compensation Act of said state, and make application for rehearing and assigns the following grounds:

First. That the Commission acting without excess of its power.

Second. That the evidence does not justify the findings of facts.

Third: The the findings of facts do not support the order decision or award.

In the findings of facts said Commission holds that the evidence does not establish as a fact that Martha Jane Wright, mother of deceased, was dependant for support upon deceased at the time of his death, and in fact, shows that she was dependent at said time for support upon a retained right of support on some lands deeded by her and ~~her~~ husband to deceased.

This finding of facts by said Commission is not correct and is not born out by the evidence in the case. It is true that Martha Jane Wright and her husband T. R. Wright did make a warranty deed to their deceased son, Thomas W. Wright on the 24th day of February 1914, a copy of which is hereto attached and marked Exhibit "A" and made a part of this petition for rehearing as if fully set out in this petition. That this deed of conveyance to the said Thomas Wright, deceased, a son of this petitioner, was for and in consideration of \$120.00 paid by said son, as a warranty deed without reservation or condition, and the said Martha Jane Wright does not have or retain any interest, right or title whatsoever in said land as conveyed to Thomas W. Wright.

ATTORNEY OF RECORD FOR
MARTHA JANE WRIGHT.

STATE OF ALABAMA,
JEFFERSON COUNTY.

Personally appeared before me C. E. Wilder, a Notary Republic in and for said state and county, J. M. Holliman, who being first duly sworn by me, deposes and says on oath as follows; that he the attorney of record for Mrs. Martha Jane Wright, and that he also has a written power of attorney from Mrs. Martha Jane Wright. That he is acquainted with the facts in the above entitled cause and that he has read the foregoing petition and notes the contents thereof, and that the facts stated therein are true and correct to his best knowledge and belief.

Sworn and subscribed to before me this the 3rd day of December,
1925.

F. F. WINDHAM

NOTARY PUBLIC
IN OFFICE

J. M. HOLLIMAN
SPECIALIZING IN
INCOME TAX MATTERS

Law Offices of Windham & Holliman

ATTORNEYS AND COUNSELLORS AT LAW

608-9-10 LINCOLN LIFE BUILDING

PHONE MAIN 4997

Birmingham, Alabama
November 17 1925

310847.

State Compensation Insurance Fund,

Thomas Wright.

Sanfrancisco Cal.

Gentlemen:

Please advise me by return the status of the above named case. Testimony was taken several months ago and submitted and I would like to know what has been done.

Yours very truly.

J M Holliman,

NOTICE

Section 64 of the Compensation Act provides that any party dissatisfied with any final decision of the Industrial Accident Commission may apply for rehearing. Petition for rehearing must be upon the following grounds:

1. That the Commission acted without excess of its powers;
2. That the order, decision or award was procured by fraud;
3. That the evidence does not justify the findings of fact;
4. That the applicant has discovered new evidence material to him, which he could not, with reasonable diligence, have discovered and produced at the hearing;

(Facts of new evidence with names of witnesses must be given in detail in petition.)

5. That the findings of fact do not support the order, decision or award.

Petition for rehearing MUST BE FILED in the office of the Industrial Accident Commission in San Francisco or Los Angeles WITHIN TWENTY DAYS AFTER SERVICE OF THE FINAL ORDER, DECISION OR AWARD.

PETITION MUST BE SWORN TO, using the following:

State of California)
 : ss
County.....)

FOR INSTRUCTION ONLY
DO NOT USE AS PETITION

....., duly sworn deposes and says that he has read the foregoing petition and knows the contents thereof and that they are true except as to those matters stated therein upon information or belief, and as to such matters, that he believes them to be true.

(Signature).....

Subscribed and sworn to before me
this day of, 192.....

(Signature).....
(Title Officer)

NOTARY PUBLIC
IN OFFICE

Law Offices of Windham & Holliman

ATTORNEYS AND COUNSELLORS AT LAW

608-9-10 LINCOLN LIFE BUILDING

PHONE MAIN 4997

310847

Birmingham, Alabama

Mrs. Martha Jane Wright **CLAIM OF**
 _____ IN THE _____ COURT OF _____
 The Cooperative vs. Amigation Supply Co. _____
 CASE # _____ FEE \$ _____ CASH \$ _____
 BALANCE TO BE PAID BY _____

NATURE OF CLAIM.

Death of Son Thomas Wright, on Nov, 8 1924, Upland Calafornia. Insured by
 State Compensation Insurance Fund.

WITNESSES	ADDRESSES	PHONE #
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

DISPOSITION OF CLAIM.

PLAINTIFFS ADDRESS MRS Martha J Wright, Newtonville Ala. PHONE # _____
 PLAINTIFFS ATTY _____ " # _____
 DEFENDANTS ADDRESS _____ " # _____
 DEFENDANTS ATTY _____ " # _____
 AMOUNT REMITTED BY _____ \$ _____ DATE _____ L(

NOTE. See Workmens Compensation Laws of Cal, Vol 2 Page 1740 (Schneider)
 Acts 4/18/11 and 6/21/19. Wholy Dependent, 3 times amount of earnings of
 deceased. Not less than \$1000 nor more than \$5000. Payable Semi monthly.

State of California
State Compensation Insurance Fund

CLARK B. DAY, MANAGER
STATE BUILDING, CIVIC CENTER
SAN FRANCISCO

IN REPLY PLEASE REFER TO

Case #310847
Emp. The Cooperative Fumigation
& Supply Co.
Inj. Thomas Wright

May 6, 1925.

Messrs. Windham & Holliman,
Attorneys at Law,
608 Lincoln Life Building,
Birmingham, Alabama.

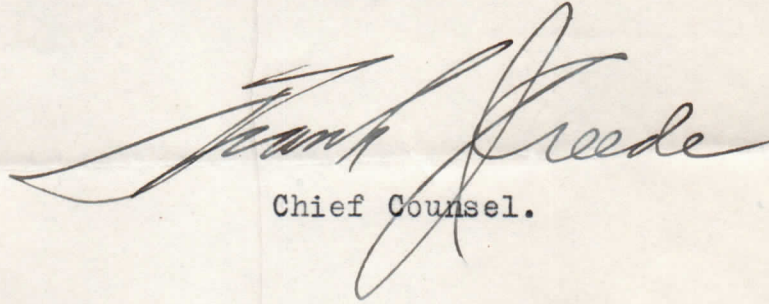
Gentlemen:

Your letter of April 25th addressed to the Cooperative Supply Company of Upland, California, has been referred to us. The Cooperative Fumigation Supply Company is insured with this Fund and was on November 8, 1924. Under the law of this state the carrying of a contract of indemnity with the Fund completely relieves the employer of any liability to any person having a claim and any claim the heirs of Mr. Wright will have will be against the Fund and not against the employer. A review of our file shows that we have been corresponding with Mrs. Martha Jane Wright of Newtonville, Alabama, the mother of Thomas Wright, deceased. In order to adjust any claim that she may have against the Fund we have been endeavoring to ascertain the exact amount contributed to her support by her son. The information we have to date is neither definite nor satisfactory and if you will be kind enough to advise us just when Thomas Wright left home, the amount of money he contributed while residing at home, the various amounts sent her since he came to California, the dates on which remittances were received and also a statement as to whether or not the remittances were received by money order or bank check, giving the name of the bank, if possible, and accompany same with any letters she may have received from Thomas Wright during his residence in California, we will probably be able to adjust her claim without the necessity of resorting to litigation.

The Fund is a state institution and there is no disposition on our part to contest any claim Mrs. Wright may have. We only wish to be satisfied that she was actually supported by her son and know the exact amount of the contributions. It is, of course, necessary to obtain some corroboration of her statements and we desire to have any statements she may make concerning her claim in the form of an affidavit.

If you will cooperate with us in obtaining this information, I feel confident we can adjust Mrs. Wright's claim to the mutual satisfaction of both parties. Incidentally, the statute of limitations does not run until November 8, 1925.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Frank Greede". The signature is written in dark ink and is positioned above the typed name "Chief Counsel.".

Chief Counsel.

FJC:fd
L.A.

Case no
310847

POWER OF ATTORNEY OF MRS MARTHA JANE WRIGHT.
CONSTITUTING AND APPOINTING J .M.HOLLIMAN,
HER ATTOTNEY IN FACT.

STATE OF ALABAMA.

JEFFERSON COUNTY.

KNOW ALL MEN BY THESE PRESENTS, That I Mrs Martha Jane Wright of Newtonville Fayette County Ala, do hereby constitute and appoint J M Holliman, 608 Lincol Life Bldg, Birmingham Ala, as my true and lawful attorney in fact to to represent me in any proceedings now pending or hereafter to be instituted for or on my behalf, especially autorizing said attorney to appear fir me in my place and stead and present, argue and have passed upon any and all claims of any and every kind whatsoever arising from the death of my son Thomas Wright, who was killed in an accident at Upland Cal, on the 8th day of November 1924.

That said attorney is especially autorized to file for me and in my name any claim whatsoever or any suit at law or in equity, and he is hereby autorized to sign my name to any and all papers and claim whatsoever which he in his discession might see fit ~~to sign~~ and proper to sign and file.

That said attorney is especially authorized and empowered to make any adjustment or settlement and to sign any and all receipts, vouchers or waivers or agreements to settle for and in my behalf which he in his widom and discession might deem to be for my best interest.

All acts and things done and performed by said attorney in the premises are hereby ratified and confirmed and adoped as my acts; and any act or things which said attorney may do to the end that this power of attorney be given efficiency andc its full force and effect carried into execution along the broadest lines, is hereby ratified and confirmed by me, it being the intention to give said J M Holliman full and complete authority to act for me in the adjustment of a claim for damages for the death of my son Thomas Wright on Nov 8 1924 at Upland Cal, caused by the acts, negligence or otherwise by The Cooperative Fumigation Supply Company of Upton Calafornia, who were insured by and under The State Compensation Insurance Fund of the State of Cal.
Witness my hand and seal this the 20th day of May 1925.

Seal Mrs Martha Jane Wright

Sworn and subscribed to before me this the
20th day of May 1925

Mrs. S. A. Rutherford
Notary Public.



Copy

INDUSTRIAL ACCIDENT COMMISSION
OF THE
STATE OF CALIFORNIA

CLAIM No. 17,569

STATE COMPENSATION INSURANCE FUND
and THE COOPERATIVE FUMIGATION AND
SUPPLY COMPANY, a corporation,

Applicant...

vs.

MARTHA JANE WRIGHT

Defendant.....

NOTICE OF HEARING OF APPLICATION
FOR ADJUSTMENT OF CLAIM

The People of the State of California Send Greeting to the Above Named:

You are hereby notified that the application entitled as above, to adjust a claim for compensation (a copy of which is attached hereto) has been filed in the office of the Industrial Accident Commission of the State of California, 119 State Building, Civic Center, San Francisco, California. You are further notified that said application has been set for hearing at

119 State Building, Civic Center,
San Francisco, California,
on the 1st day of July, 1925,
at 1:30 o'clock, p.m.

and that at said time and place the Industrial Accident Commission of the State of California will proceed to hear and dispose of the said application in the manner provided by law.

Dated at San Francisco, California, this
20th day of June, 1925.

Witness: INDUSTRIAL ACCIDENT COMMISSION
OF THE STATE OF CALIFORNIA

By W. P. RATLIFF,
Secretary

RULE I

(2) ANSWER—The Answer, if any, of the defendant must be filed within five days after the service of the Application upon any such defendant, and shall set forth the facts upon which he intends to rely by way of defense. A copy of such Answer must be served forthwith by such defendant upon all adverse parties. The Answer must contain denials or admissions of every material statement in the application.

RULE II

SERVICE OF PLEADINGS AND NOTICES AND PROOF THEREOF—Any pleading, notice or document may be served either by delivering to and leaving with the person to be served a copy thereof or by mailing to such person a copy thereof in a sealed envelope, with the postage thereon fully prepaid, addressed to such person at his last known place of business or residence. Personal service, if made, must be made by a person over the age of eighteen years.

Proof of service may be made by the affidavit or oral testimony of the party making such service.

In addition to the above, service and proof of service may be made in any manner provided by the Code of Civil Procedure of this State.

NOTE.—Either party shall have the right to be present at any hearing, in person or by attorney or by any other agent, and to present such testimony as may be pertinent. (Workmen's Compensation, Insurance and Safety Act, Section 24, Chapter 176, Laws of 1913.)

State of California
State Compensation Insurance Fund

CLARK B. DAY, MANAGER
STATE BUILDING, CIVIC CENTER
SAN FRANCISCO

July 10, 1925.

IN REPLY PLEASE REFER TO

Case #310847
Employer : The Cooperative
Fumigation & Supply Co.
Deceased : Thomas Wright

J. M. Holliman, Esq.,
Attorney at Law,
608 Lincoln Life Bldg.,
Birmingham, Alabama.

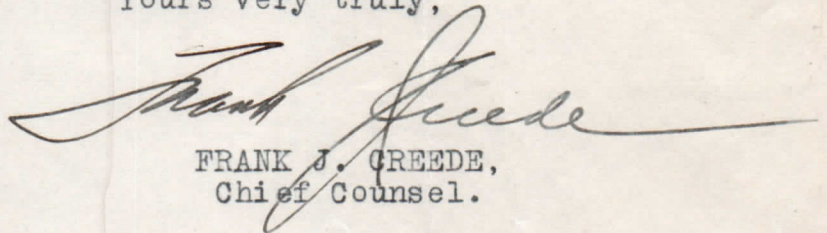
Dear Sir:

Please pardon this tardy acknowledgment
of your letter of June 15th.

The hearing was held on July 1st at
1:30 o'clock P.M., and stipulations entered in-
to by virtue of the admissions in the application
and your assenting thereto. The case was con-
tinued with the understanding that the oral
testimony of your witnesses be taken before Mr.
A. J. Robins, Notary Public, 801 First National
Bank Building, your city. You will be notified
by the Commission shortly, of the time and place
of the hearing before Mr. Robins.

Yours very truly,

FJC*VS


FRANK J. CREEDE,
Chief Counsel.

JOHN A. MCGILVRAY
CHAIRMAN
JOHN W. CARRIGAN
J. E. OLMSTED
MEMBERS
W. P. RATLIFF, SECRETARY
W. H. PILLSBURY, COUNSEL

INDUSTRIAL ACCIDENT COMMISSION
OF THE
STATE OF CALIFORNIA
STATE BUILDING, CIVIC CENTER

LOS ANGELES OFFICE
911 PACIFIC FINANCE BUILDING
SIXTH AND OLIVE STREETS

F. W. FELLOWS
ASSISTANT SECRETARY

SAN FRANCISCO

July 7, 1925.

J. M. Holliman, Esq.,
608 Lincoln Life Bldg.,
Birmingham, Alabama

IN RE: STATE FUND vs. MARTHA JANE WRIGHT
NO. 17,569

Dear Sir:

A hearing came on today before this Commission, at which time the applicants admit everything except the fact of dependency. This is the only issue in the case.

There will be a hearing set before A. J. Robins, Notary Public, at Birmingham, Alabama, of which you will be given thirty days notice.

At the time of the hearing before Mr. Robins, you will be given an opportunity to present your witnesses and the testimony of the witnesses, showing the dependency and identity of the dependents.

Yours very truly,

G. S. Keith, Referee.

GSK/MBM

State of California
State Compensation Insurance Fund

CLARK B. DAY, MANAGER
STATE BUILDING, CIVIC CENTER
SAN FRANCISCO

IN REPLY PLEASE REFER TO Case #310847
Emp. The Cooperative Fumigation
& Supply Co.
Inj. Thomas Wright

June 8, 1925.

Hon. J. M. Holliman,
Attorney at Law,
608 Lincoln Life Building,
Birmingham, Alabama.

Dear Sir:

This will acknowledge receipt of your letter of May 21st enclosing affidavits. After reviewing the file carefully, I believe that it will be to the interest of both parties to have a formal application on file and to take the testimony of Mrs. Wright by deposition. I am accordingly filing an application today in which all the facts are admitted except the identity of the dependent and the extent of dependency. The question of identity is, of course, purely a formal matter as there is no question in our mind but what Mrs. Wright is the mother of decedent and she can so testify. We have found that affidavits, no matter how carefully drawn, are very unsatisfactory substitutes for the testimony of the witness and I am sure that you will find that this method of disposing of the case will be to the best interests of all parties.

I suppose you are familiar with the facts in the case. There is no question of negligence involved as Thomas Wright was injured when he stepped off an automobile which was in motion. In any event since the advent of the Compensation Law in California, an employee and his dependents either have a claim under the Compensation Law or have no claim at all and the negligence or non-negligence of the employee is an immaterial issue as he is entitled to compensation irrespective of negligence.

We do not regard these dependency cases as contested cases except that we wish whenever possible to get the testimony of the claimant under oath in order to make certain that the claim can be substantiated. You will probably receive a notice of the first hearing which will be set in San Francisco, but it will not be necessary for you to have anyone appear for

you here as I will appear in person and merely make admissions against interest which will be binding until such time as we hear from you. I will raise two issues only, i.e., identity of dependents and extent of dependency.

If the information contained in the application checks with your understanding of the facts, will you kindly advise the writer and also write a letter to the Industrial Accident Commission, State Building, San Francisco, California, advising that you are in receipt of a copy of the application which has been filed and are willing to state that all the facts stated therein are true with any exceptions you desire to make. When this is done the Commission will notify you to appear with your client before a notary in Birmingham and her testimony can then be taken.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Frank J. Cede". The signature is written in dark ink and is positioned above the typed name "Chief Counsel.".

FJC:fd

Chief Counsel.

San Francisco office, State Building, San Francisco
Los Angeles office, 911 Pacific Finance Building, Los Angeles

INDUSTRIAL ACCIDENT COMMISSION

OF THE

STATE OF CALIFORNIA

NOTE.—Under the provisions of the Workmen's Compensation, Insurance and Safety Acts, the applicant need only state the general nature of the claim in controversy. Full particulars should be given, but an application will not be held invalid by reason of any defect. This form is intended to assist the applicant and to suggest all necessary particulars. Either party may be represented in person, by attorney or other agent. When application has been filled out and signed by the applicant, the original, together with one copy for each party to the controversy, should be filed with or mailed to the INDUSTRIAL ACCIDENT COMMISSION OF THE STATE OF CALIFORNIA.

This application must be filled out in every possible detail. (See chapter 176, Laws of 1913, chapters 541, 607, and 662, Laws of 1915, chapter 586, Laws of 1917, and chapter 471, Laws of 1919.)

State Compensation Insurance Fund
and The Cooperative Fumigation &
Supply Co., a corporation,

Applicants,

vs.

CLAIM No.....

APPLICATION FOR ADJUSTMENT OF CLAIM

Martha Jane Wright

Defendant.....

The petition of the above-named applicant... respectfully shows to your Honorable Commission as follows:

I.

That on the 8th day of November, 1924,

Thomas Wright
Name of person injured

was killed
Killed or injured

by reason of an injury arising out of and in the course of his employment by the above-named

The Cooperative Fumigation and Supply Co.
Name of employer

are Insurance Carrier and the employer of the

person injured
~~xxxx~~

II.

That a question has arisen with respect to the compensation to be paid therefor and the general nature of the claim in controversy is as follows, to wit:

Give the date that employer refused to pay the compensation demanded, and state briefly the exact matter in dispute, as for example:

- (A) Employer denies liability for compensation upon the grounds that: or
- (B) A dispute has arisen concerning the amount or duration of the compensation payable.

Identity and extent of dependency

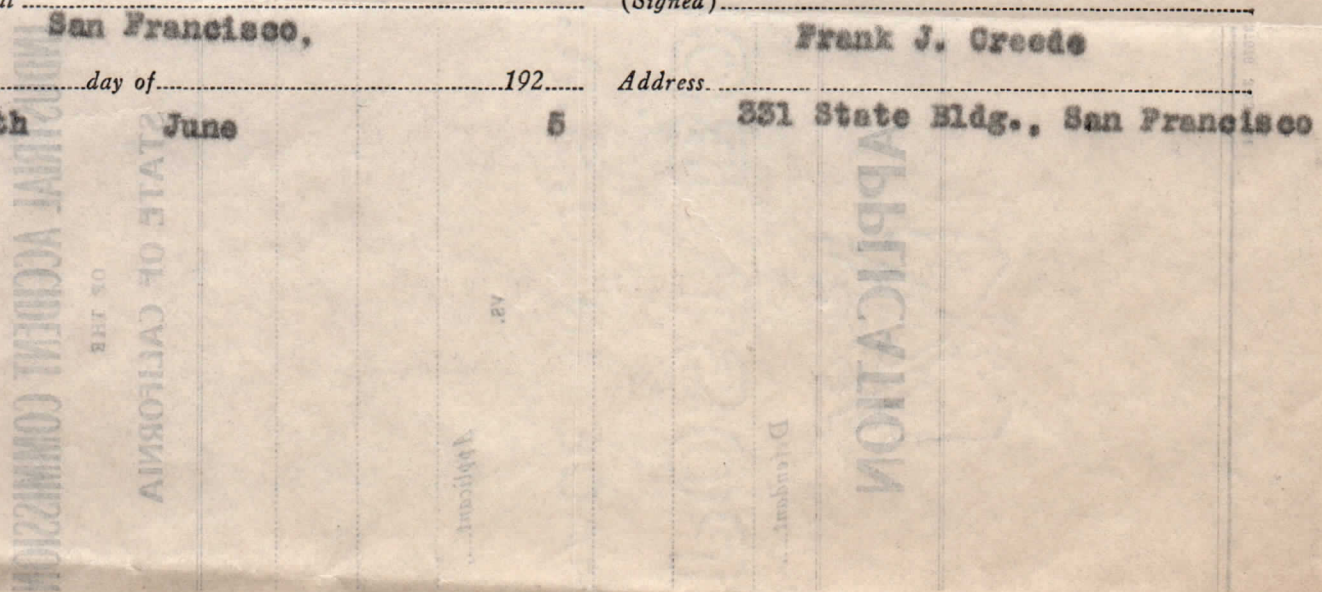
14. Payment, allowance or benefit received from employer.	\$..... Burial Expense of \$100. paid. for medical care and attendance. paid. \$..... per week for..... weeks' disability compensation.
15. Additional amount claimed as compensation.	\$..... for medical care and attendance. (Itemize expenditures made by you for this purpose) \$..... per week for..... weeks' disability.
16. When and how was the employer notified of the injury?
17. If employer was not notified within thirty days after date of injury, give reason for failure to notify him.
18. If application is filed to adjust claim for death, state name, address and relationship of all dependents. If to adjust claim for medical attendance or funeral expenses, state name and address of all other such creditors and amount of claims, if known.	(In case of death of employee this paragraph must be filled out completely) Name..... Age..... Mrs. Martha Jane Wright Address..... Newtonville, Alabama. Name..... Age..... Address..... Name..... Age..... Address..... Name..... Age..... Address.....

IV.

(Here state any further facts that may be desired).....
 This application is being filed so that the claim of the alleged dependent may be placed before your Honorable Commission without delay. It was suggested that a hearing be scheduled in San Francisco at which time arrangements can be made to take the testimony of the claimant in Alabama. The defendant is represented by Attorney J. M. Holliman, 608 Lincoln Life Building, Birmingham, Alabama.

WHEREFORE YOUR PETITIONER PRAYS, That the above-named defendant.... be required to answer this petition, that a time and place be fixed for hearing hereof and due notice thereof given, and that upon such hearing, an order or award be made by your Honorable Commission granting such relief as the said applicant.... may be entitled to in the premises.

Dated at San Francisco, (Signed) Frank J. Creede
 this 8th day of June 1925 Address 331 State Bldg., San Francisco



INDUSTRIAL ACCIDENT COMMISSION
OF THE
STATE OF CALIFORNIA

CLAIM No. 17,500

STATE COMPENSATION INSURANCE FUND
and THE COOPERATIVE PULVICATION AND
SUPPLY COMPANY, a corporation,

Applicant...

vs.

MARTHA JANE BRIGGS

Defendant.....

NOTICE OF HEARING OF APPLICATION
FOR ADJUSTMENT OF CLAIM

The People of the State of California Send Greeting to the Above Named:

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119 State Building, Civic Center,
San Francisco, California,
on the 1st day of July, 1925,
at 1:30 o'clock, p.m.

and that at said time and place the Industrial Accident Commission of the State of California will proceed to hear and dispose of the said application in the manner provided by law.

Dated at San Francisco, California, this
20th day of June, 1925.

Witness: INDUSTRIAL ACCIDENT COMMISSION
OF THE STATE OF CALIFORNIA

By W. P. RATLIFF,
Secretary

RULE I

(2) ANSWER—The Answer, if any, of the defendant must be filed within five days after the service of the Application upon any such defendant, and shall set forth the facts upon which he intends to rely by way of defense. A copy of such Answer must be served forthwith by such defendant upon all adverse parties. The Answer must contain denials or admissions of every material statement in the application.

RULE II

SERVICE OF PLEADINGS AND NOTICES AND PROOF THEREOF—Any pleading, notice or document may be served either by delivering to and leaving with the person to be served a copy thereof or by mailing to such person a copy thereof in a sealed envelope, with the postage thereon fully prepaid, addressed to such person at his last known place of business or residence. Personal service, if made, must be made by a person over the age of eighteen years.

Proof of service may be made by the affidavit or oral testimony of the party making such service.

In addition to the above, service and proof of service may be made in any manner provided by the Code of Civil Procedure of this State.

NOTE.—Either party shall have the right to be present at any hearing, in person or by attorney or by any other agent, and to present such testimony as may be pertinent. (Workmen's Compensation, Insurance and Safety Act, Section 24, Chapter 176, Laws of 1913.)

State of California
State Compensation Insurance Fund

CLARK B. DAY, MANAGER
STATE BUILDING, CIVIC CENTER
SAN FRANCISCO

IN REPLY PLEASE REFER TO

Case #310847

Emp: The Cooperative Fumigation
& Supply Company

December 3, 1925

Inj: Thomas Wright

J. M. Holliman, Esq.,
Attorney at Law,
911 Bankers Bond Bldg.,
Birmingham, Ala.

Dear Sir:

Your letter of November 17th has just come to my attention. By this time you will have probably received the Commission's Award, holding that Martha Jane Wright is not entitled to compensation.

Very truly yours,


Chief Counsel.

FJC:EBC

Los Angeles

Is this Mrs Martha Jane Wright?

Are you the mother of Thomas Wright who was killed at Upton Cal, Nov 8 1924?

How old was he at time of his death?

Are you a widow?

When did your husband die.

State whether or not your husband made a conveyance of 100 acres of land to Thomas Wright before his death?

If so state if it was not a part of the consideration in said deed that he was to support and look after you as his mother?

State just when this deed of conveyance was made?

How old are you?

State whether or not your husband was sick and unable to work for a long time before he died?

If so did Thomas Wright, support and manage the farm and support and maintain the home and make the living for the family.

Just at what time did he begin as head of the family.

Did the said Thomas Wright, farm and stay at home for the years 1915,1916,1917 1918 1919,1920 1921 1922 1923,1924.

If so state just how much cotton,corn,grain,hay,potatoes,syrup and other crops was made and the value of same. Was all this or practically all of it used to support the family? Give full detail for each year.

Did you also have an invalid son during these years which received his support during these years from Thomas Wright.

How much money was contributed in each of the above years?

How much and value of crops made and contributed.

What time or in what year did he first leave home? Where did he go.How long did he stay.What did he do? Did he make regular contributions during this period of time? How was it paid.

When did he next leave home and where did he go? How long at this place and what did he do? Did he make regular contributions during this period.

Did he leave home in the year 1923 and where did he go,what did he do, and how long did he stay and did he make contributions during all this time and how was same paid.

How long did he stay in Oklahoma,what did he do.What did he contribute and how.

What time did he go to Cal, what did he do.How much did he contribute,on leaving and while in Cal?

State if you know who paid the Doctor bills during past ten years?Grocery bills. clothing bills and other family expenses. he paid taxes and all family expenses. Who paid for the rearing,schooling for the ailing son,and managed for him during past years?

State whether or not Thomas Wright was exempted from military duty during worlds war on account of dependency?

Were you dependent upon him at time of his death?

What have you been doing and where have you been staying since his death?

Is it not a fact that you have been going from place to place and staying with relatives and friends since his death.

Do you know Mrs Wright? Did you know her son Thomas during his life time? How long have you known them? Have you lived and resided near them or been in the home during past few years? State whether or not Thomas Wright has made contributions to the family during past few years.Whether he has supported,kept and maintained the home during past years? Did he work and farm during past years? Did he contribute his crops of Cotton,corn grain hay and other crops to the support of the family. Did he pay Doctor bills,Grocery Bills,Taxes and other family expenses, How much on an average did he contribute during past years.State whether or not if he was recognized as the head of the family for many years in the community? Was Mrs M. J Wright dependent upon Thomas for a support during last few years and at time he was killed.How much per annum did he contribute both crops and money during past few years? Is it not a fact that for many years his father,mother and younger brother have looked to him for a support.Was his father sick for a long period of time before he died? Did Thomas Wright during this period support,maintain the home and pay doctor bills burial expenses and other expenses? Has Mrs Wright had a regular home since the death of her son?

Fayette Ala.

Fayette Ala

Case no
310847

STATE OF ALABAMA.
JEFFERSON COUNTY.

Personally appeared before me, Mrs S A Rutherford, a Notary Public in and for said state and county, Mrs Martha Jane Wright who being first duly sworn by me deposes and says on oath, that she is the mother of Thomas Wright who was killed at Upton Cal, on Nov 8 ~~1924~~ 1924. That at the time of his death that she was absolutely dependent upon him for a support and living. That Thomas Wright was about 37 years of age, and that since he became 21 years of age she has been dependent upon him for a support. That her husband ~~T. R. Wright~~, died about seven years ago and that for several years prior to his death he was practically an invalid and during this time her support was made by said Thomas Wright, deceased. That during the Worlds War, Thomas Wright was excused by Local Exemption Board of Fayette County Ala, because he was the support of the family, this fact was readily recognized by the board and a number of people in the immediate community, who made affidavit to this fact. That the said Thomas Wright deceased stayed at home in Fayette County and worked on the farm practically all the time from date of majority (21 Years) until his death, that he had only been in Calafornia about ten months before his death.

That during the time he was at home in Fayette County Ala, near Newtonville he farmed for a living and contributed everything made on the farm by him to affiant except his wearing apparel and what he eat. That this amounted to all crops, corn, cooton, potatoes, and other farm products commonly raised and used on the farm and amounted to approximately \$500.00 or more per annum. That this was continuous for past ten or fifteen years past.

That he rented his farm out and assigned his rents over to affiant when he left home and stayed in the State of Oklahoma, that he also contributed money and other things of value while in Oklahoma, that his reason for going out west was to get work and with the idea of buying another home so that he could better contribute to affiant.

That after the cropx was finished in year 1923, Thomas Wright went out to Calafornia and was out there about ten months, when killed Nov 8 1924. That just before he left home, he gave affiant sufficient funds for her support while he was away from home. That affiant was expecting said Thomas Wright back home in a few days at time she heard of his death. That the crops were gathered in fall of 1924 and the rents of ~~affiant's~~ the lands of Thomas Wright, amounting to about \$100.00, were collected by affiant. Affiant does not remember whether or not she received any money or not while he was working in the state of Calafornia. Affiant futher deposes and says she is now about 63 years old and in poor health and a cripple.

Mrs Martha Jane Wright
AFFIANT.

Sworn and subscribed to before me this
the 20th day of May 1925.

Mrs. S. A. Rutherford
Notary public.



Copy-

#1.

DEPOSITION OF MRS. MARTHA J. WRIGHT.

MRS. MARTHA J. WRIGHT, first being duly sworn to speak the truth, the whole truth, and nothing but the truth, testified as follows:

DIRECT EXAMINATION.

BY MR. HOLLIMAN:

Q. Are you Mrs. Martha J. Wright?

A. Yes, sir.

Q. Are you the mother of Thomas Wright?

A. Yes, sir.

Q. Was Thomas Wright killed at Upton, California?

A. Yes, sir.

Q. Just on what date was he killed, Mrs. Wright?

A. On the 8th day of November, 1924.

Q. Was he working for the Cooperative Fumigation & Supply Company?

A. Yes, sir.

Q. Do you know anything of the facts as to how he was killed?

A. They claim that he was killed by an automobile.

Q. Operated by the Company?

A. Yes, sir, I reckon so.

MR. GILLESPIE: We admit all the circumstances surrounding the accident.

It is just a question of dependency.

Q. How old was Thomas Wright when he was killed?

A. He was 37 years old.

Q. Mrs. Wright, I will ask you whether or not about 1914 or 1915 -- state whether

or not a deed was made by your husband, Raymond Wright to Thomas Wright, and in that deed there is a consideration to the effect that he was to take care of Mrs. Wright ---

MR. GILLESFY: We object to that question on the ground that it illegal, irrelevant, immaterial and incompetent; that the deed itself would be the best evidence; that it calls for hearsay testimony and parol evidence about a written instrument, without showing that the same was lost or destroyed.

A. Yes, sir.

MR. GILLESFY: Same objection to the answer.

It is understood and agreed between counsel for the respective parties that where an objection is made to any question, the same objection applies to the answer of witness.

Q. Did you sign the deed with him?

MR. GILLESFY: Same objection.

A. Yes, sir.

Q. Do you remember how many acres was deeded to him?

MR. GILLESFY: Same objection.

A. Yes, sir.

Q. The consideration of that deed was for him to take care of you?

A. Yes, sir.

Q. Mrs. Wright, in 1915 was Thomas Wright at home?

A. Yes, sir.

Q. Did he farm?

A. Yes, sir.

Q. Did he stay all the year at home?

A. Yes, he stayed at home pretty nearly all the time. Once in a while he would get out and do little jobs of work.

Q. Did he make a crop of corn and cotton, as well as potatoes and other farm products?

A. Yes, sir.

Q. What became of that crop?

A. It was used for the support of the family - for whatever it was needed.

Q. Thomas Wright lived there with you and Mr. Wright?

A. Yes, sir.

Q. Do you know approximately what that crop was worth in 1915?

A. Well, it would be worth \$500.00 or more.

Q. And you say that the crop was contributed to the support of the family?

A. Yes, sir.

Q. Now, what time did your husband die?

A. Well, I just cannot give you the exact date. He has been dead seven years.

Q. And it was before Mr. Raymond Wright died that this deed was made?

MR. GILLESPIE: We make the same objection.

A. Yes, sir.

Q. I will ask you to state whether or not Mr. Raymond Wright, your husband, was an invalid for a number of years before he died?

A. Yes, sir, he was.

Q. And during all the time of his sickness Thomas Wright, your son, stayed at

home and worked on the place, made the crops and managed all the business, and was the head of the family?

A. Yes, sir.

Q. In addition to that, Mrs. Wright, I will ask you if you did not have an invalid son, your baby son, who stayed there with you?

A. Yes, sir.

Q. And this son of yours, was he off both mentally and physically?

A. Yes, sir.

Q. And he lived there with you all this time?

A. Yes, sir.

Q. And he was also supported by Thomas Wright?

A. Yes, sir.

Q. Now in 1916, 1917, 1918, 1919, 1920, 1921, and 1922, did Thomas Wright stay at home all these years?

A. Yes, sir, except that some times in the summer he would go out and work at odd jobs, work in a saw mill, and such as that.

Q. Now, I will ask you whether he made a crop each of these years, and that that crop was the entire support of the family?

A. Yes, sir, it was.

Q. Approximately what was the value of those crops he made there during these years?

MR. GILLESFY: We object to that question on the ground that
it calls for a conclusion.

A. It was about \$500.00, as near as I can say.

Q. And were all these crops used in support of the family?

A. Yes, sir.

Q. And he planted the crop, worked it, and made and gathered it?

A. Yes, sir.

Q. Did Thomas Wright pay all the doctor's bills during these years?

A. Yes, sir.

Q. Did he pay these state and county taxes?

A. Yes, sir.

Q. And the grocery bills?

A. Yes, sir.

Q. And all the family expenses?

A. Yes, sir.

Q. And looked after ^{everything and was} the head of the family during all that period?

A. Yes, sir.

Q. Mrs. Wright, I will ask you to state whether or not during the World's War when conscription came into effect and young men were called to arms, whether the Local Board of Fayette County, Alabama, exempted, after making an investigation as to ^{your} ~~his~~ dependency on this young man, Thomas Wright, -- whether or not they exempted him from the draft on that account?

MR. GILLESPIE: We object to that question on the ground that it is immaterial irrelevant, incompetent and immaterial, and has nothing to do with the time in question.

Q. Did they exempt him?

MR. GILLESPIE: Same objection.

A. Yes, sir.

Q. Mrs. Wright, while he has been at home all these years, I will ask you to state whether or not that during the summer months after the crops were laid by,

whether or not he worked away from home?

A. Well, he did sometimes. Some years he did, and some he did not. Some years when he was foot loose he would get a job at one thing and another.

Q. And when he was working out that way on a job what became of the money that he received as compensation for such work?

A. Well, he brought it home and would use it for the family as was needed.

Q. Now, let us come down to 1923, did he make a crop in the year 1923?

A. Yes, sir.

Q. Was the amount of the crop the same as it was in the past years?

A. Yes, sir.

Q. What time did he leave Fayette County?

A. He left in January, I believe.

Q. 1924?

A. 1923.

Q. Did he make a crop at home in 1923?

A. Yes, sir, he made a crop, but he did not gather it, I think, not all of it.

Q. What time did he leave Fayette County to go West?

A. Let me see, I do not exactly remember.

Q. He went to Oklahoma first, did he not?

A. Yes, sir.

Q. What time did he leave to go to Oklahoma?

A. Well, it was in the fall.

Q. After the crops were laid by?

A. Yes, sir.

Q. When he left home to go to Oklahoma I will ask you if he paid you anything?

A. Well, he left some support.

Q. About how much, do you remember?

A. No, sir.

Q. Immediately before he left for Oklahoma did he pay you any money?

A. He sent me money all along. He put bills in letters when he wrote to me.

Q. While he was in Oklahoma?

A. Yes, sir.

Q. About how much did he send you?

A. I did not keep account of how much he gave me altogether. He would send me a \$10.00 bill and then he would send me a \$5.00 bill

Q. Is it not a fact that when he left home to go to Oklahoma he gave you \$20.00?

A. Yes, sir.

Q. And he sent you money while he was in Oklahoma?

A. Yes, sir.

Q. Did he send you any money while he was in California?

A. No, sir. He left me plenty for my support and some money, and things that could be turned into money -- plenty to do me until he returned.

Q. Did you receive the rent of the place while he was away from home?

A. Yes, sir.

Q. The rent of his land?

A. Yes, sir.

Q. Do you remember about how much that amounted to?

A. No, sir, I do not remember.

Q. But you did receive it?

A. Yes, sir.

Q. Do you know just how long he stayed in Oklahoma?

A. No, sir. I do not know just how long he stayed in Oklahoma. I know he was gone for about a year.

Q. In California and Oklahoma?

A. In Oklahoma.

Q. Do you know how long he stayed in California?

A. Ten months.

Q. Mrs. Wright, have you since the time he was killed had a regular home?

A. I have been staying out among the children and friends and relatives.

Q. Had no home, but just been going from post to post?

A. Yes, sir.

Q. In other words he was your support?

A. Yes, sir.

CROSS-EXAMINATION.

BY MR. GILLESPIE:

Q. How old are you, Mrs. Wright?

A. Sixty-three.

Q. Is your husband living?

A. No, sir, he has been dead seven years.

Q. How many children did you have?

A. I raised six.

Q. Who are they?

A. Manly Wright, 44 years old, my eldest son; Truzie Wright, 42 years old; Johnny Wright, 38 years old; Thomas Wright, 37 years old; Horation Wright, 35 years old; and Hosea Wright, 32 years old.

Q. Where does Manly Wright live now?

A. He lives on Thomas Wright's place.

Q. At home?

A. Yes, sir.

Q. That is the deceased boy's place?

A. Yes, sir.

Q. Is he married?

A. Yes, sir.

Q. Has he got a family?

A. He has a wife and one child.

Q. A boy or a girl?

A. A boy.

Q. What age?

A. About 19.

Q. Where does Truzie Wright live?

A. He lives right down close to Greene County.

Q. What does he do?

A. He works on the railroad.

Q. Where was he living in 1923?

A. He was living right where he is now.

Q. And was he there in 1924?

A. Yes, sir.

Q. How do you know he was working on a railroad?

A. That is what has been told me.

Q. When he left his home did he tell you that?

A. Yes, sir.

Q. Is he married?

A. Yes, sir.

Q. Have you ever visited him while he was working on the Railroad?

A. No, sir.

Q. Has he ever written you?

A. Yes, sir.

Q. Did he write you when he was working on the railroad?

A. Yes, sir.

Q. What railroad was he working on?

A. He was working on the Pioneer Lumber Company's road.

Q. Was that a lumber railroad?

A. Yes, sir.

Q. In Greene County?

A. No, I do not think it was in Greene County. It was in Pickens County, I think, just over the line from Greene County.

Q. Where is Johnny Wright?

A. He is here in Birmingham.

Q. Where is he working?

A. He is working in a grocery store.

Q. Where is it located?

A. Powderly.

Q. Is John married?

A. Yes, sir.

Q. How many children has he got?

A. None.

Q. Do you live with John and his wife now?

A. I am just staying with them. I have got no particular home.

Q. How much time have you spent with Johnny since you left the farm out in Fayette County?

A. I do not know just how much time I have stayed with him. I have stayed with him may be a week or two at a time, and then with my other son, and then I have stayed among my relatives who are here in the city.

Q. When did Johnny Wright leave the farm in Fayette County?

A. When he was 21 years of age.

Q. How long has he been living here in Birmingham?

A. About two years.

Q. Was he living here in Birmingham when Thomas Wright went to Oklahoma?

A. No, sir.

Q. Where was he living then?

A. He was living close to home.

Q. What was he doing?

A. He was farming.

Q. Did he own the land that he farmed?

A. Yes, sir.

Q. Does he own it now?

A. Yes, sir.

Q. Did he have a house on it?

A. Yes, sir.

Q. Was he married then?

A. Yes, sir.

Q. Did you ever go and stay with him any length of time?

A. No, sir.

Q. But you have visited his home, have you not?

A. I visited him all along.

Q. You broke bread with him, did you not -- you had your meals at his house?

A. Yes, sir.

Q. Where is Horatio Wright living?

A. Here in Birmingham.

Q. How long has he been living here?

A. Five or six years.

Q. What does he do?

A. He works around doing carpenter work.

Q. For whom?

A. He works for some company.

Q. You don't know what company?

A. No, sir.

Q. Where does he live?

A. He lives, I reckon, what you might call at Powderly.

Q. Do you know his street number?

A. Well, they do not have any house number. It is a station, Parkview, I think they call it.

Q. And you do not know what street he lives on?

A. No, sir.

Q. Is he married?

A. Yes, sir.

Q. How many children has he got?

A. Three.

Q. Boys or girls?

A. He has two girls and one boy.

Q. What age are they?

A. The oldest is fourteen years, one four years, and the other two.

Q. Do you live with him in Birmingham?

A. No, sir, I have just stayed with him a week or two at a time since I have been here.

Q. When did you leave the farm?

A. I came up here the third Sunday in May.

Q. This year?

A. Yes, sir, this last May.

Q. Why did you come up here, Mrs. Wright?

A. Well, I came because I had children up here, and on this business too.

Q. Now, about Hosie Wright. What age is he?

A. He is 29.

Q. Where does he live?

A. He is at the Tuscaloosa Hospital.

Q. Is he an invalid?

A. Yes, sir.

Q. Is he in the insane asylum?

A. He works in the insane asylum. He is a nurse there.

Q. Is he the one you spoke of as being an invalid?

A. Yes, sir.

Q. How long has he been at Tuscaloosa?

A. He went there just before Christmas -- the winter before last.

Q. That would be in the winter of 1923. Is that correct?

A. Yes, sir.

Q. So he has been there two winters?

A. Part of two winters.

Q. He was there the whole of last winter and part of the winter before?

A. Yes, sir.

Q. What does he do there, Mrs. Wright?

A. He nurses.

Q. Does he get any salary for nursing?

A. Yes, sir, he makes his living.

Q. How much does he make?

A. I do not know.

Q. He never told you?

A. No, I never heard what he was making.

Q. He makes his own living, does he not?

A. Yes, sir.

Q. And all the time that Hosie has been gone and making his own living there, you say that he has not sent you any money at all?

A. No, sir.

Q. And he has not sent you any money at all, although he knew that you needed help?

A. No, sir. He has never sent me anything. I had a living left at home for me at that time/

Q. What kind of a living do you mean?

A. I had a living at home.

Q. Did Manly look after you?

A. Yes, sir, he looked after me, but my support was left there.

Q. What was the support left there?

A. Well, some money and some other things, corn, plenty of molasses, meat and lard.

Q. Who left you that?

A. Thomas left me that.

Q. Thomas went away in 1923, did he not?

A. Yes, sir.

Q. And do you mean to say that he left you sufficient corn, molasses and other things sufficient to support you until he returned?

A. Manly rented the place and gave me the rent and whatever else I needed.

Q. Well, then, Manly supported you from 1923. What time of the year was it that Thomas left in 1923?

A. He left in the fall.

Q. What part of the fall. Was it three or four months before Christmas?

A. Yes, it was that long.

Q. About four months before Christmas?

A. I cannot say just how long it was before Christmas, but it was some time in the fall.

Q. He went to Oklahoma then?

A. Yes, sir.

Q. What kind of business did he go into in Oklahoma?

A. He farmed.

Q. Did he buy him a place in Oklahoma?

A. No, sir.

Q. Well, why did he have to leave Fayette County to go to Oklahoma?

A. He was looking out for a home.

Q. Was he married?

A. No, sir.

Q. And yet he was looking out for a home?

A. Yes, sir, he decided he would see if he could find a place that would suit him better.

Q. Now, how long did he stay in Oklahoma?

A. He stayed a year.

Q. And you say he was ten months in California?

A. Yes, sir.

Q. Now, how many times did you receive money from him while he was in Oklahoma? I believe you say that you did not receive any from him while he was in California? All the money you received from him was while he was in Oklahoma?

A. Yes, sir.

Q. How many times did you receive money from him while he was in Oklahoma?

A. Well, he would send me money in his letters. He would enclose a bill every once in a while.

Q. Did he send you any checks?

A. No, sir. There were no checks.

Q. And he would send you a \$10.00 bill in his letters?

A. Yes, sir, either that or a Five Dollar bill he would send me.

Q. Have you any of those letters now?

A. I do not know whether I have any of them now or not.

Q. Did he write you when he was going to California and tell you that he was going?

A. I do not know whether he wrote me before or after.

Q. You just do not remember whether he wrote you?

A. He wrote me either before or after he went.

Q. Before he went or just after he got there?

A. Yes, sir.

Q. Why did he go to California?

A. He was looking about to see if he could find a place that suited him better than here.

Q. And then you did not hear anything more from or ~~after~~ of him for ten months until you got notice of his death?

A. Yes, I heard from him all along.

Q. Was he working out there?

A. Yes, sir.

Q. Do you know that he was working all the time he was out there?

A. No, sir, I do not.

Q. And you just know that he did not send you anything while he was in California?

A. Yes, sir..

Q. Could you say that while he was in Oklahoma he sent you money as many as three times?

A. Yes, sir, three or four, and may be more.

Q. And what did you do with that money?

A. I just used it for anything I needed.

Q. And you were living there with your son Manly from that time, were you not?

A. I was living out there with Manly.

Q. And you lived out there with Manly and his family until you came to Birmingham in May of this year?

A. Yes, sir.

Q. And were you living with Manly and his family out there at the time Thomas sent you this money?

A. I was staying there with him. Manly moved there after Thomas went to Oklahoma.

Q. Well, Manly did not live on the farm when Thomas left there?

A. No, sir.

Q. Where did Manly live before then?

A. He lived on his own place.

Q. Where was his own place?

A. It was there not very far off.

Q. How many acres did he have.

A. I do not know how many.

Q. Now, Mrs. Wright, don't you know how many acres your own son Manly had out there?

A. It must have been about eighty acres.

Q. What did he do with it when he went down to Thomas Wright's place?

A. He rented it.

Q. Who did he rent it to?

A. Claude G. Gibson.

Q. And when he moved there you lived there with Manly?

A. Well, I has been there over since the fall before.

Q. But he was farming Thomas Wright's place?

A. He did after Thomas went away to Oklahoma.

Q. And you ate there at his table?

A. Yes, sir.

Q. And he did not charge you any board?

A. I provided my own board.

Q. But your son Manly did not charge you any board?

A. No, sir.

Q. And your son Manly Wright furnished the table, did he not?

A. Yes, sir.

Q. Now getting back to the money that Thomas sent you, what did you do with that money while you were there?

A. I just used it for anything I needed it for.

Q. State some of the uses you put it to?

A. Well, I bought anything I wanted -- clothes, medicine and such things as that.

Q. Well, how many clothes did you have to buy in the fall of 1923?

A. I could not tell you?

Q. Well, state as near as you can how much you spent for clothes during the fall of 1923?

A. Well. I don't know how much. I had to have some shoes.

Q. How much did the shoes cost you?

A. I could not figure that.

Q. You have no idea at all?

A. I do not know what they cost. I did not keep up with anything like that.

Q. How much money did you get from Thomas Wright?

A. I do not know how much he sent me altogether.

Q. Did you buy any stock on the place -- horses or mules?

A. No, sir.

Q. And you did not buy anything at all except clothes and medicine?

A. No, sir.

Q. How much medicine did you get?

A. I could not tell you how much.

Q. Where did you get the medicine from?

A. First one place and then another.

Q. Name some of the places?

A. Well, I got some from the drug store at Fayette.

Q. I am talking about since your son left there in 1923?

A. Well, I do not know how to answer it. I was down with rheumatism and I had to have some medicine for that.

Q. Name some of the stores that you purchased medicine from in 1923?

A. I do not know where to commence. I got medicine all along.

Q. From where?

A. From different places.

Q. Name them?

A. I have got liniments and pills at the drug store at Fayette, and I have bought them from the country stores.

Q. Name them?

A. Well, I have bought some from Newby Walker's store, and from Randolph Jones and some from the Sanders store.

Q. That was in 1923?

A. Yes, sir.

- Q. How much medicine have you got from Sanders' store?
- A. I cannot tell you. I just don't know.
- Q. Do you think you got as many as three bottles of liniment?
- A. I know I got one.
- Q. And what did it cost you a bottle?
- A. I don't remember.
- Q. Didn't Manly Wright buy it for you?
- A. Sometimes he got it and sometimes I got it myself.
- Q. Did Truzie Wright ever send you any money that he earned while working for the railroad?
- A. No, sir.
- Q. When did he leave Fayette County?
- A. He has lived in Pickens County and has been working there, I think, for about three years, on that railroad.
- Q. And all that time he has not sent you a cent?
- A. No, sir.
- Q. Did you ever ask him for any money?
- A. No, sir.
- Q. After your son Thomas left for Oklahoma did you never ask Truzie for any money?
- A. No, sir.
- Q. Have you ever been down to see Truzie to visit him?
- A. No, sir.
- Q. Johnny is the one who lives at Powderly?
- A. Johnny and Ho ratios.

Q. And since you have been up here you have been dividing your time with them, staying at their houses?

A. Yes, sir.

Q. How much rent has Manly been paying?

A. Well, I just could not tell you, because I have been staying there with him and it was all used for whatever was needed, and if I needed money Manly Wright would give it to me, and we used the stuff on the place there.

Q. Now, when Thomas found that he could not get located in Oklahoma and went to California did he write and tell you that you could have the place to take care of, and that he did not know when he would be back home, and that you could look for him when he came back?

A. He would have known when he was coming back had he lived. He would have come back in a few days or a week or two.

Q. Still he was out there ten months in California?

A. Yes, sir.

Q. Do you know why he did not locate in Oklahoma?

A. No, I do not know; he was just looking out for a place that would suit him, I reckon.

Q. And what he sent you was to do for you in Fayette County until such time in the future that he got located?

A. Yes, sir.

Q. Now, Mrs. Wright, did you ever get any money orders from him at all, or any checks?

A. No, sir. Everything he sent me was bills.

Q. Did anybody see these bills that you got from him?

A. No, sir.

Q. When you got that money from him did you ever show it to anybody?

A. No, sir. I just put it away.

Q. Had you written him for this money while he was in Oklahoma?

A. No, sir.

Q. Did you write him and tell him that you needed it?

A. No, sir.

Q. Then why did he send it?

A. I expect he felt it to be his duty to send me some all along. Other than that I do not know why he did.

Q. You did not need it when you were on his place and had enough cotton and other things to enable you to get what you wanted?

A. He thought I needed it.

Q. What is on the place now?

A. Manley is still on it.

Q. Manly did not run you off, when you came to Birmingham?

A. No, sir.

Q. He told you that you could live there always and have a home?

A. Yes, sir.

Q. Did he say you could always live on the place there with him?

A. Yes, sir.

Q. Have you ever asked Manly to get you clothes and other things?

A. No, sir.

Q. Do you mean to say that Manly would not buy you shoes or clothes if you needed them?

Q. Have you ever asked Manly, Horatio or Johnny -- have you ever asked them for anything that they did not give you?

A. No, sir, I never asked them for anything.

Q. Have you asked them for anything lately since Thomas went away that they did not give you?

A. No, sir.

Q. Well, you have not needed anything then?

A. No, sir.

Q. You have not needed anything since the first ten months when Thomas went to California?

A. No, sir.

Q. And you have been getting along all right since Thomas went to California?

A. I have never had any more than the rest that were at home.

Q. In other words, your husband left that property for you to be looked after, that you were always to have a living out of that farm until your death?

A. Yes, he and Tom agreed to that. He made the farm over to Tom and Tom agreed on his part to always take care of me while I lived, and to take care of his father while he lived.

Q. And the farm was to go back to you in case he did not?

A. No, sir.

Q. Was not that the consideration?

A. No, sir, it was made over to him. He just deeded the land to Tom and Tom agreed to take care of us.

Q. Well, why is Manly paying you rent on the land?

A. Well, he is keeping the place for me to have support out of while the place stands like it is..

Q. And have all your children agreed to that - Manly, Truzie, Johnny, Horatic and Hosie?

A. They have never said anything about it.

Q. What size farm is that?

A. It is one hundred acres.

Q. How much of it is in pasture?

A. Well, I do not know. I never tried to keep up with anything like that.

Q. How long have you lived on that farm, Mrs. Wright?

A. I have been there about thirty years.

Q. And that is the same farm that you and your husband made over to Thomas?

A. Yes, sir.

Q. And you have lived on it thirty years and do not know how much is in cultivation? Is that a fact, Mrs. Wright?

A. No, I do not.

Q. You do not know whether 40, 50 or 60 acres is in cultivation or cultivable, or how much is in timber?

A. There is hardly any timber.

Q. Then all is practically cleared?

A. Yes, sir.

Q. How many houses are there on it?

A. There is only one.

Q. Did Tom leave any live stock there?

A. Yes, sir.

Q. What live stock did he leave?

A. Well, he left two mules.

Q. How many cows?

A. One cow and a calf.

Q. Anything else?

A. He left two yearlings, but I sold them.

Q. What did you get for them?

A. I got \$12.00 for one, and \$8.00 for the other.

Q. They were your yearlings, were they not?

A. The money was mine.

Q. Did he give the yearlings to you when he left?

A. He left everything there for me to turn into money if I needed it, and I just turned the yearlings into money.

Q. How much corn will that place make a year?

A. I could not tell you.

Q. How much cotton?

A. I do not know how much it would make. I could not tell you.

Q. You have no idea at all?

A. No, sir; I do not know what it would make.

Q. Have you ever rented it out for any money at all?

A. No sir.

Q. Well, how do you know a while ago when you said the crop was worth \$500.00?

A. Well, I just guessed that that was what it was worth.

Q. Well, how did you know that its value was \$500.00 when you do not know how

much corn and cotton it would produce?

A. I thought it would be about that much.

Q. How came you to think that?

A. Well, I just guessed at it.

Q. Did everybody tell you that it would bring that?

A. No, sir.

Q. And you have no idea at all how much cotton and corn you raised?

A. I could not tell. I think they have made as much as 200 bushels of corn.

Q. And how many bales of cotton?

A. About two bales is what they generally get.

Q. You spoke a while ago of Thomas using what he got off the farm for your support. Was there anybody else living there besides you?

A. There was my youngest son, Hosie.

Q. Anybody else?

A. No, sir.

Q. Just you and Hosie and Tom?

A. Yes, sir.

Q. Did your son Tom pay the taxes?

A. Yes, sir.

Q. And did he use the money to buy live stock, wagons, etc.?

A. He used it for anything he needed it for.

Q. Did he buy fertilizer to put back in the ground?

A. Yes, sir, anything he needed it for.

Q. And he used some of the money to put back in the ground and keep the place up?

Q. Did he buy any stocks, bonds, or anything of that kind?

A. No, sir, I don't know of him buying anything like that.

Q. And before he left there he provided for everything?

A. Yes, sir.

Q. And after he left and Manley came there, you continued to live on the farm and sit at the table?

A. Yes, sir.

Q. And you would visit around among your sons and sit at their tables?

A. No, sir, I stayed at home most all the time.

Q. And when you were not at home where would you stay?

A. I never was away for very long at a time. I would visit them at their homes for a short while.

Q. You would stay days at a time with them, would you not?

A. Well, I would go Saturday nights and probably remain overnight with them. I have not spent weeks with them.

Q. Thomas Wright was your son, was he not?

A. Yes, sir.

Q. When did you and Mr. Wright marry?

A. We had been married some forty-six or forty-seven years.

Q. Were you married down there in Fayette County?

A. Yes, sir.

Q. What was the name of your other son besides Manley who stayed on the farm in Fayette County after Tommy had left?

A. Hosie.

Q. Was Hosie an invalid?

A. Yes, sir.

Q. Did he farm after Thomas left?

A. He worked some when he was able.

Q. What kind of work would he do?

A. He farmed.

Q. Did he milk and feed the cows?

A. When I was disabled myself he would do anything there was to do.

Q. Did he plow?

A. He plowed some.

Q. Did he help to make the crop?

A. He did what he could, but he was not able to do much. Lots of times he could do no work at all.

Q. Did Johnny live down there too?

A. Yes, sir, he was there.

Q. Did Johnny move to town before Thomas left?

A. No, sir, he moved after Thomas left.

Q. Now, after Thomas left did Johnny live on the place with you?

A. No, he lived on his own place.

Q. Did he bring you any vegetables at any time?

A. No, sir.

Q. Did he ever bring you any meat?

A. No, sir.

Q. Did Manly furnish the meat, lard and other supplies after Thomas left?

A. Hd furnished some of them.

Q. And you say that Horatiox never sent you any money after Thomas left?

A. No, sir.

Q. You did not need any, did you? You were getting along all right with Manly's help?

A. Yes, sir. I got along all right.

Q. What did it cost you and Manly to live?

A. I cannot tell you. I never kept any account of it.

Q. Did it cost you \$10.00 or \$15.00 a month, or what?

A. I just do not know. I never tried to keep any account.

Q. What did your clothes cost?

A. I could not tell you that, either.

Q. When Thomas went away you say he left a twenty dollar bill with you?

A. Yes, sir.

Q. To help you along while he was gone?

A. Yes, sir, for anything we needed.

Q. Did he leave you anything else?

A. He left me means to live on.

Q. What did he leave you?

A. He left me some meat, lard, molasses.

Q. And was that \$20.00 all he left you until your heard from him after he got to Oklahoma?

A. No, sir, that was what he left, for there was some money coming to me out of some things I sold. I sold some things all along and got the money. I sold some yearlings.

Q. What else did you sell?

A. I sold some molasses, and other things that I thought I would not need.

Q. That was in 1923?

A. Yes, sir.

Q. And the next year Manly made the molasses and provided lard, meat, etc.?

A. Yes, sir.

Q. That \$20.00 was the only money he left you when he went away?

A. That was the only money he gave me right then, but he had given me money before.

Q. How long was it you heard from him with some money again?

A. I do not know how long it was. I think it was a month or so before he begun to send me money along when he wrote to me.

Q. How often would he write?

A. Sometimes he would write every few weeks, and sometimes it would be longer.

Q. So you say that he sent you as much as ten dollars every two months?

A. He sent me ten dollars sometimes, and sometimes it would be five dollars.

Q. Would you say that he sent you as much as \$5.00 every month until the time he left Oklahoma?

A. I guess he did - it was close around it, but I could not say exactly what he did send me.

Q. You do not think it would be over that?

A. It might be that much and it might not be quite that much.

Q. You say that Thomas never did marry?

A. No, sir.

Q. Did you say that that deed was on file, Mrs. Wright?

A. I just don't understand.

Q. Is that deed you and your husband made to Thomas on file down there in the Probate Court?

A. I do not know whether it is or not. I do not know whether it was ever recorded or not.

Q. What Notary or Justice of the Peace was it signed before?

A. W. M. Patterson I think was the man who fixed it. Yes, I know he did. He fixed up the papers.

Q. Do you buy your own clothes now, Mrs. Wright?

A. Yes, sir.

Q. Where do you get the money to buy them?

A. I get it from what is coming into me from the place.

Q. Who pays that to you?

A. Manly.

Q. What do you figure it costs you to live a year -- Can you live on \$250.00?

MR. HOLLOMAN: We object to that question as being immaterial,
irrelevant, illegal and incompetent.

A. I just cannot tell you.

Q. Your board does not cost you anything much, does it? Your son, Manly, and the others give you your board, don't they?

A. I get my board from what I get off the place there.

Q. Did Manly help you any before Thomas went to Oklahoma?

A. No, sir.

Q. He never did contribute anything towards your support?

A. No, sir.

Q. Did any of the other boys contribute anything towards your support? Did they

ever make you a present at all?

A. No, sir.

Q. Never did give you a ny money at all?

A. No, sir.

Q. Hosie did contribute with his work on the farm, did he not? Didn't he help towards your support with his work there?

A. Well, he would work when he was able to.

Q. He farmed, and milked and fed the cows, did he not?

A. Yes, sir.

Q. And then Manly left his farm and rented it out and worked on the farm and farmed it, and fed you and gave you money and clothes, did he not?

A. Yes, sir.

Q. Did Thomas leave any will?

A. No, sir.

Q. What is the value of that farm there, Mrs. Wright -- your husband's farm that Manly is living on and working now?

A. I just don't know.

Q. Is it worth \$5,000.00?

A. Not that much.

Q. How many buildings are there on it?

A. Just one.

Q. How many rooms are there in the house?

A. Six.

Q. Any outhouses, barns, etc.?

A. There are lot buildings.

Q. How many?

A. There are two cribs.

Q. A barn?

A. Yes.

Q. What size is the barn?

A. Well, I don't know how big it is -- it is a good big barn.

Q. Any hay left in it?

A. No, just one big room barn.

Q. Is there any dairy on the farm?

A. No, sir.

Q. Is there a well on the place?

A. Yes, sir.

Q. Any running water?

A. A creek runs right through it.

Q. Would you say that it was worth \$5,000.00?

A. No, sir.

Q. \$4,000.00?

A. Well, it might be worth something like that. I do not know what it really is worth. I just do not know.

Q. Where do you live now, Mrs. Wright?

A. I am just living about among my sons and relatives.

Q. How old was your son when he died?

A. 37 years.

Q. When you stay with your children now do you help with the housekeeping at all and help to look after the children?

Q. I do when I feel like it, but most of the time I cannot be on my feet at all, only just a little bit at a time.

Q. Do you do any work outside of helping out in their houses?

A. No, sir.

Q. Do you do any sewing or needlework, or anything like that?

A. No, sir, I cannot do any work like that on account of my eyes.

Q. Did you do anything of that kind in 1923?

A. No, sir.

Q. Did you do anything in 1924?

A. No, sir.

Q. Are you raising chickens down on the farm?

A. I raise what we eat.

Q. Do you raise any turkeys?

A. No, sir.

Q. Did you raise any chickens in 1923?

A. Yes, sir.

Q. Did you raise any in 1924?

A. Yes, sir. I raised chickens.

Q. Did you raise the chickens that you eat?

A. Yes, sir.

Q. Who owns the furniture in that house? That is your furniture, is it not?

A. Yes, sir.

Q. Do you have a garden down there?

A. Yes, sir.

Q. Did Hosié look after that?

A. Yes, sir.

Q. Did you raise greens, vegetables, okra, squash etc.?

A. Yes, sir.

Q. I believe you say you do not pay any rent now, and you do not pay anything for your food, and you do not know how much your clothing costs you?

A. No, sir.

Q. When you came up here to visit your children did they send you your train fare?

A. No, sir. I came through in a car. My son came down there after me.

Q. And you came back with him?

A. Yes, sir.

Q. What other expenses have you got outside of your clothes and the little medicine that you buy?

A. Very little.

Q. Have you had a doctor during this last year?

A. I have had medicine from the doctor.

Q. Have you had a doctor to attend you in 1925?

A. No, sir.

Q. How about last year in 1924?

A. I had one doctor one time last year.

Q. How much did you pay him, or did Manly pay him?

A. Manly paid him.

Q. Did you have a doctor in 1923?

A. No, I don't think I had one in 1923.

Q. Did your husband leave you any money when he died?

A. No, sir.

Q. Did you have a savings account in the Bank when Thomas left?

A. No, sir.

Q. Did your husband leave well?

A. No, sir.

Q. Did he own any other farms or acreage?

A. No, sir.

Q. Did he have any live stock or own any stocks, bonds or other securities?

A. Well, there was some stock there.

Q. And he left that to you, did he?

A. Yes, sir.

Q. What kind of stock was it?

A. There was two old mules left there and we traded them for those we have now.

Q. All your children are over 21 years of age, are they not?

A. Yes, sir.

Q. Where is this farm?

A. Newtonville. It is within two miles of Newtonville.

Q. Who is William M. Wright?

A. That his Manly; his name is William Manly Wright, but we call him Manly.

Q. Does Manly pay rent to any of the other children?

A. No, sir.

Q. Have your other children ever demanded any rent from you or Manly?

A. No, sir.

Q. Now, how soon after Thomas left did Manly go over there and go to work on the farm?

A. Well, it was in the fall.

Q. Just a few days, or a week, or a month after Thomas went away?

A. I just don't know how long it was.

Q. He came there before Christmas, did he not?

A. Yes, I think so.

Q. And you and he were living on the place the Christmas after Thomas left?

A. Yes, sir.

Q. Did Manly bring any stock with him when he came over there, or any feed, meat, preserves, or anything at all?

A. Yes, sir, he had some.

Q. Just what things did he bring when he came to live there?

A. He brought his corn, and his meat and stuff ~~that~~ that he had to live on for another year.

Q. And that was used there in the family when you were living there with them?

A. Yes, sir.

Q. Did he bring any pigs or cows?

A. He brought one cow and a calf.

Q. Bring any hogs, sheep or goats?

A. No, sir.

Q. Was that a milk cow?

A. Yes, sir.

Q. Who milked her after they came over there?

A. His wife milked her.

Q. Did you use the milk and butter in the house?

A. Yes, sir.

Q. Was that cured meat that he brought over?

A. It was meat that he had prepared.

Q. Did you eat that during the fall and the next spring?

A. Yes, sir.

Q. That is, you and Manly and his wife?

A. Yes, sir.

Q. Hosie had already gone to Tuscaloosa?

A. Yes, sir.

Q. And just you and Manly and his wife ~~xxxxx~~ ate the things that he brought when he came over there?

A. Yes, and his boy. But I had things same as them, and we would all eat together.

Q. Did you ever tell him to pay you any certain amount of rent for the place?

A. No, sir.

Q. Have you told him now to pay any rent?

A. No, sir, I have not been there this year.

RE-DIRECT.

BY MR. HOLLOMAN:

Q. Mrs. Wright, Manly is your oldest son, is he not?

A. Yes, sir.

Q. He is married?

A. Yes, sir.

Q. Been married quite a number of years, has he not?

A. Yes, sir.

Q. He has a boy nineteen years old?

A. Yes, sir.

Q. I will ask you if it is not a fact that Manly's wife has been in poor health for a number of years, and that he has not been able to contribute to your support?

MR. GILLESPIE: We object to that question because it calls for a conclusion.

A. No, sir; he has not been able to help me. It was all he could do to get through for himself. His wife was in bad health and he is not healthy himself.

Q. Tom and you have had to help Manly, have you not?

A. Yes, sir. Ever since he was a boy he has been troubled with asthma, and lots of his time he has not been able to work and has not been able to look after himself.

Q. And you never looked to him for anything?

A. No, sir.

Q. And he has never contributed anything since he married?

MR. GILLESPIE: We object to that, because it calls for a conclusion.

A. No, sir.

Q. Now, Truxie is a married man, is he not?

A. Yes, sir.

Q. How long has he been married?

A. About sixteen years.

Q. Has he got a family?

A. There is himself and his wife and two girls.

Q. And he has never lived in the in the immediate community to you?

A. No, sir; he has lived in Pickens County.

Q. Has he ever contributed to your support?

A. No, sir.

Q. Did you ever call on him for anything?

A. No, sir.

Q. And he never has contributed anything?

A. No, sir.

Q. Johnny Wright, one of your other sons, is a married man?

A. Yes, sir.

Q. How long has he been married?

A. I do not remember exactly.

Q. And all your children are married except Thomas and Hosie?

A. Yes, sir.

Q. You said something a while ago about Tommy being in Oklahoma for about a year and in California ten months. I will ask you if it is not a fact that Tommy Wright left home in the fall of 1923 after making a crop, when he went to Oklahoma?

A. I believe he did.

Q. And he left in the fall of 1923 after the crop was made?

A. Yes, sir.

Q. And in the next fall he was killed?

A. Yes, sir.

Q. Then he did not stay in Oklahoma a year?

A. No, sir, he did not stay a year.

Q. Now, at the time he left was Hosie with you?

A. Yes, sir, he was with me.

Q. Did he stay there in the house with you?

A. Yes, sir.

Q. State whether or not the 1923 crop was made by Tommie Wright and contributed to your support to be used by you in 1924?

A. Yes, sir; it was.

Q. I believe you stated that the approximate value of the crop was \$500.00?

A. Well, I just guessed it would be. I could not tell exactly.

Q. Do you know who made a crop of corn?

A. I know that he made a crop of corn and cotton, potatoes, peas and other things.

Q. And that was used for your support in 1924?

A. Yes, sir.

Q. I believe you stated that Manly moved in after Tommie left?

A. Yes.

Q. How long did Hosie stay there before Manly moved in?

A. Well, he stayed there six or seven or eight months, something like that; I donot know hardly how long it was.

Q. Do you know what time he left?

A. He went off just one month before Christmas.

Q. Did he go to Tuscaloosa?

A. Yes, sir.

Q. I will ask you if Hosie contributed anything towards your support?

A. No, sir.

Q. And did Tommie Wright provide for Hosie and look after him the same as he did for you?

MR. GILLESPIE; We object to that --- calls for a conclusion.

A. Yes, sir

Q. And Tom was at the head of the family for at least ten years?

MR. GILLESPIE: We object, as it calls for a conclusion.

A. Yes, sir.

Q. And maintained the home?

MR. GILLESPIE: Same objection.

A. Yes, sir. He was the head of the family. We never looked to anybody but him.

Q. Did Tommie Wright have any money at the time he was killed? Was there anything left?

A. He had \$75.00 in the bank out there. Now, I say \$75.00. I do not know. There was something paid out for expenses, but I got \$75.00.

Q. And he had no other estate except the land and the little personal property about the home?

A. No, sir.

Q. And that \$75.00?

A. Yes, sir, that was all. He never had accumulated any. His father was sick so much and we had doctor's bills.

Q. And everything Tommy made went to his family?

A. Yes, sir.

Q. You said something about ~~xxxx~~ two old mules being left there and you swapped them for other mules. I will ask you whether or not Tommie Wright paid the difference in the exchange?

A. He did.

RE-CROSS-EXAMINATION.

BY MR. GILLESPIE:

Q. How do you know that he was in California ten months when you did not hear from him?

A. I heard from him all along, but he did not send me any money.

RE-DIRECT.

BY MR. HOLLOMAN:

Q. Now, about staying with the children, Johnny and Horatio, since you have been up here. I will ask you if it is not a fact that you have stayed a considerable time with other relatives here?

A. Yes, sir, I have stayed a week at a time with some of my nieces and a sister in law I have here. I stayed a week with her, and I have been with other relatives three and four days and a week at a time.

Q. I will ask you to state whether or not the only compensation you have received since Tommie Wright's death is from the estate of Tommie Wright?

MR. GILLESPIE: We object to that on the ground that it calls for immaterial, irrelevant, illegal and incompetent testimony, and calls for a conclusion of the witness.

A. Yes, sir.

Q. And that is everything you have received?

MR. GILLESPIE: Same objection.

A. It is.

RE-CROSS-EXAMINATION.

BY MR. GILLESPIE:

Q. You say that you have a sister in law that you have been staying with here?

A. Yes, sir. I stayed with her a few days.

Q. What nieces have you been staying with. Are they your sister's children?

A. Yes, sir.

Q. And you have been staying with them?

A. I have stayed with them a few days at a time.

Q. Did they charge you anything for your board?

A. No, sir.

WITNESS EXCUSED.

TESTIMONY OF WALTER RAY.

WALTER RAY, first being duly sworn to speak the truth, the [✓]hole truth and nothing but the truth, testified on behalf of the applicant as follows:

DIRECT EXAMINATION.

BY MR. HOLLOMAN:

Q. Are you Walter Ray?

A. Yes, sir.

Q. Do you know Mrs. Matha Wright?

A. Yes, sir.

Q. Did you know Thomas Wright at the time he left home to go to Oklahoma?

A. I knew him but I did not see him just about that time. I was in town here when he left.

Q. Do you know whether or not Mrs. Wright was dependent upon him for her support?

MR. GILLESPIE: We object to that question on the ground that it calls for a conclusion of the witness.

MR. HOLLOMAN: Well, I will withdraw the question.

Q. How long have you known Tommie Wright?

A. Ever since I have been knowing anybody.

Q. Have you been around their home?

A. Yes, sir; I have been there a number of times.

Q. I will ask you to state whether he farmed up until the end of the fall of 1923?

A. Yes, sir.

Q. Do you know what became of the crops that he made; and things like that?

A. Well, he used them at the home to take care of his family.

Q. I will ask you to state whether or not it was generally known and recognized in the community that he had the ~~sole~~ management of the home and the maintenance and support of the family?

MR. GILLESPIE: We object to that on the ground that it calls for a conclusion of the witness, and is not specific as to time.

A. Yes, sir. He had for a number of years.

Q. Do you remember the time when Reuben Wright, his father, died?

A. Yes, sir.

Q. Do you remember whether he was sick for quite a number of years?

A. Yes, he was sick for a number of years.

Q. Did Tommie Wright have the management of the farm during his father's, Reuben Wright's sickness? and did he support the family?

A. Yes, sir.

Q. Have you ever employed Tommie Wright?

A. Yes, sir.

Q. How long did he work for you?

A. He worked for me two or three different times. When he got through with the crop he would work for me.

Q. Do you know what he did with his money?

A. He carried it home, and spent it on the maintenance of the home.

Q. Do you know who paid the doctor's bills during the last illness of his father; or at any time -- his father's doctor's bills?

A. Yes, sir; Thomas paid them.

Q. Do you know whether Tommie paid the taxes and things like that?

A. Yes, sir; he told me that he paid the taxes. I did not see him pay them.

MR. GILLESFY: We object to that answer. It is hearsay.

Q. Do you know the condition of his younger brother, Hosie physically? Do you know whether he was an invalid for a number of years?

A. MR. GILLESFY: We object to that question, because it is not limited as to time.

A. No answer.

Q. Do you know of your own knowledge whether any of the other brothers, Manly, Truzie, Johnny and Horatie contributed anything or were able to contribute anything to the support of the family?

MR. GILLESFY: We object to this question, as it is not limited as to time, and witness says that he was not down there when Thomas Wright left for Oklahoma, and calls for a conclusion.

A. No answer.

Q. You do not know of any contributions made by these brothers, of Thomas Wright, do you?

A. No, sir; but I know about Tommie. I have been with him quite a good deal.

Q. But you do not know of your own knowledge that the other brothers contributed anything?

A. No, sir.

Q. Manly is a married man and has been married for a number of years, has he not?

A. Yes.

Q. And has got a family?

A. Yes, sir.

Q. And is a poor fellow?

MR. GILLESFY: We object to that. We are all poor fellows.

Q. And Johnny, Truzie and Heratio are all married men, are they not?

A. Yes, sir.

Q. And have got families of their own to support?

A. Yes, sir.

CROSS-EXAMINATION.

BY MR. GILLESFY:

Q. Did you see him personally make any contributions to the family?

A. Well, he was working with me and I paid him off in cash, and he would go about a quarter of a mile from where he worked to the doctor's office and pay him.

Q. You do not know whether that was later returned to him or not?

A. I know the doctor gave him a receipt.

Q. And that was the only contribution you saw?

A. Yes, sir.

Q. And when he went home with the money you paid him, you do not know what happened there?

A. No, sir, I do not know what happened.

Q. And when did you leave Fayette County?

A. 1922.

Q. In the spring or fall?

A. November, 1922.

Q. And about those taxes you say he paid. You say he paid the taxes on his father's place. How many acres were there?

A. I do not know how much land they had.

Q. You know the Wright farm, don't you?

A. I know the farm, but I do not know how much land there was.

Q. That was known as the Raymond Wright place?

A. Yes, sir, and Thomas always told me that he paid the taxes on it. I know he attended to the business on the farm.

Q. Of course, you do not know whether he just managed it for them, or whether he would make money off the farm and pay the taxes?

A. He would work the farm and would haul the cotton to the gin and have it ginned in his name, and it was understood that he was looking after the family.

Q. Who is on the place now?

A. I do not know.

Q. You do not know of your own personal knowledge that Mrs. Wright received ~~no~~ no contributions from any of the family other than Tommie after you left there?

A. No, sir.

Q. And before you left there you do not know of your own knowledge that

Thomas Wright paid any bills other than the doctor's bill?

A. No, sir, I do not.

WITNESS EXCUSED.

TESTIMONY OF R. B. TURNER.

R. B. TURNER, first being duly sworn to speak the truth, the whole truth and nothing but the truth, testified in behalf of the applicant as follows:

DIRECT EXAMINATION.

BY MR. HOLLOMAN:

Q. Your name is R. B. Turner?

A. Yes, sir.

Q. Do you know Mrs. Martha J. Wright?

A. Yes, sir.

Q. Did you know Thomas Wright, her son, during his lifetime?

A. Yes, sir.

Q. Is Mrs. Wright the mother of Thomas Wright, deceased?

A. Yes, sir.

Q. Have you lived and resided for the past several years in the immediate neighborhood of Mrs. Martha J. Wright and Thomas Wright?

A. Yes, sir.

Q. Did you know Raymond Wright?

A. Yes, sir.

Q. He was the father of Thomas Wright and the husband of Mrs. Martha J. Wright?

A. Yes, sir.

Q. Have you been in and around their home?

A. Yes, sir.

Q. I will ask you if it is not a fact that Tommie Wright has been at the head of the family there, looked after the farm, maintained the family, paid the doctors' bills and other expenses of operating the farm for the past eight or ten years?

MR. GILLESPIE: We object to that question as it calls for a conclusion of the witness.

A. Yes, I have been there and seen Mr. Wright.

MR. GILLESPIE: We object to the answer, as it is not responsive.

Q. Did he have charge of the farm?

MR. GILLESPIE: Calls for a conclusion. We object.

Q. Did he farm on the place?

A. Yes, sir.

Q. Did he make the crops?

A. Yes, sir.

Q. Had he been making crops there for the past ten years?

A. Yes, sir.

Q. And looking after his mother?

A. Yes, sir.

Q. Do you know what he raised on that place?

A. Like the rest of us he raised cotton, corn, peas and potatoes, and other crops and other farm products.

Q. What did he do with them?

A. Like the rest of us he used them for their living.

Q. What became of the crop? Did he sell it?

A. He had the old folks to take care of, and he had to use it on the place they lived on. He lived there on the home place.

Q. Do you know about his supporting the family out of the farm and the crops that he had ~~xxx~~ raised?

A. When his father got where he could not work he kept his mother and his father up.

Q. Is it not a fact that he contributed money towards the support of his mother?

MR. GILLESPIE: We object, because it calls for a conclusion of the witness.

A. He sold cotton and stuff like the rest of us.

Q. Did you ever see him give them any money?

A. No, sir. I never seen him.

Q. The only thing you know then is that he acted as the head of the family, and looked after the land and made the crops?

A. Yes, sir.

Q. Do you know Manly Wright?

A. Yes, sir.

Q. And do you know Johnny Wright, Johnny Wright and Truzie Wright?

A. Yes, sir.

Q. All those boys are married and have families of their own?

A. Yes, sir.

Q. And have been married for several years?

A. Yes, sir.

Q. And they are all children of Mrs. Martha J. Wright?

A. Yes, sir.

Q. Do you know of the sickness and death of Raymond Wright?

A. Yes, sir. I lived there close to them.

Q. They had been married for a great number of years, had they not?

A. Yes, sir.

Q. Is it not a fact that Raymond Wright was sick for a number of years prior to his death?

A. Yes, sir.

Q. Who stayed by him through all those years?

A. Tommy Wright.

Q. Did Hosie stay there, the youngest son?

A. Yes, sir.

Q. Do you know about Hosie's physical and mental condition?

A. It was not good at all. That boy Hosie was off. He was not in shape to do anything.

Q. Was his mind bad?

A. Yes, and his health too. He had bad health. Tommie had to look after him and take care of him like he did the old folks.

Q. You do not know anything about the value of the crops they made each year on the farm?

A. Well, I could not exactly tell you that. It was generally a 2-horse crop. What years do you mean?

Q. 1915 and up to 1923.

A A It was a different valuation during the war. We got better prices.

MR. GILLESPIE: We object to that - during the war.

He made a 2-horse crop on the place. He had a pair of mules there, and may be three mules. I should think that it would run all the way up from \$700.00 to

\$800.00 a year. Sometimes it might go over that, and sometimes under. Tommie was a good worker and made a good crop.

Q. And in your best judgment the crops he made there would average from \$700.00 to \$800.00 a year from 1915 until 1923 when he left for Oklahoma?

MR. GILLESPIE: We object to that because it is leading.

A. Yes, sir.

CROSS-EXAMINATION.

BY MR. GILLESPIE:

Q. What is the reasonable rental of that place per year?

A. It ought to be worth about \$400.00.

Q. Do you mean to say that it would bring that if rented on the basis of one-third and one-fourth?

A. I was figuring one-half.

Q. Well, at that rate then it would amount to something like \$200.00?

A. \$200.00 a year, yes sir.

Q. What is the value of that farm -- how many acres?

A. I think there is something like one hundred acres, he told me.

Q. And you say that he worked the place for his mother after his father died, cultivated the land and planted the crops?

A. Yes, sir.

Q. And right after that Manly came there and went to doing that?

A. Yes, sir. Tom got him to come there before he left to look after his mother, while he was out looking for another home. He was talking about selling out.

Q. And he got Manly to go over there to look after his mother?

A. Yes, sir.

Q. For how long?

A. To stay there until he got back. He rented Manly some land there.

Q. What land did he rent him?

A. Some of the land on the place. I could not say just what land.

Q. Did Manly move all his family over there to Thomas' house?

A. Yes, sir.

Q. And went to looking after his mother, Martha J. Wright, his mother?

A. I know he moved on the place and had some land rented. I know that much.

Q. Well, Mrs. Martha J. Wright lived there with him and ate at his table, did she not?

A. I guess so. I was not there. I have never been there when they were eating, but they lived in the same house.

WITNESS EXCUSED.

TESTIMONY OF JOHNNY WRIGHT.

JOHNNY WRIGHT, first being duly sworn to speak the truth, the whole truth, and nothing but the truth, testified in behalf of applicant as follows:

DIRECT EXAMINATION.

BY MR. HOLLAMAN:

Q. Your name is Johnny Wright?

A. Yes, sir.

Q. You are a son of Mrs. Martha J. Wright?

A. Yes, sir.

Q. And a brother of Thomas Wright, deceased?

A. Yes, sir.

Q. Do you remember about the time that Thomas left home for Oklahoma?

A. Well, I do not know the exact date.

Q. You remember about the time he left?

A. Well, I could not say. It was after the crops were laid by.

Q. What year?

A. 1923.

Q. And he was killed in October, 1924, was he not?

A. Yes, sir.

Q. The crop that was raised in 1923 on the Thomas Wright place, was that contributed to ^{your} ~~max~~ mother and used by her during the year 1924 before he was killed?

A. Yes, sir.

Q. Do you know anything about what the crops consisted of in 1923?

A. Well, he had corn, cotton and potatoes there.

Q. Meat and other farm products?

A. Yes, sir.

Q. Do you know about the proximate value of that crop made by Thomas during that year?

A. Why, I guess it would be something like \$500.00.

Q. Did your mother use that in 1924?

A. Yes, sir.

Q. At the time that Thomas Wright left home who was there with your mother?

A. Hosea.

Q. Is he your youngest brother?

A. Yes, sir.

Q. Is that the brother that has been sick all his life?

MR. GILLESPIE: We object to that question as being leading.

A. Yes, sir.

Q. What time was it after Thomas left there before Manly went into the house with your mother?

A. Well, I do not know the exact date. It was in the winter.

Q. The winter of what year?

A. 1923. About Christmas, I suppose.

Q. Did Thomas Wright rent his land to Manly?

A. Well, I cannot say about that.

Q. But he moved on to the place, didn't he?

A. Yes.

CROSS-EXAMINATION.

BY MR. GILLESPIE:

Q. You say that the value of that crop in 1923 was \$500.00? You do not know what bills Mr. Thomas Wright owed for fertilizer, etc. You don't mean to say that he cleared that amount with the crops?

A. I do not know whether he paid any fertilizer bills or not.

Q. How about his store bills, etc. Do you know anything about them?

A. No, sir; I do not.

Q. Do you know whether or not there were any liens on that crop?

A. No, sir.

Q. Was that your mother's place that he was working on?

A. It was his.

Q. Thomas Wright's?

A. Yes, sir.

Q. Didn't your father leave it?

A. He sure did, but he made it over to him before his death.

Q. Made it over to whom?

A. To Thomas Wright.

Q. Was that deed recorded?

A. Well, I could not vouch for that.

Q. Were you down there when it was made?

A. No, sir.

Q. The land was just given to him for his use while he cared for his mother, and it was then to go back to the children?

A. No, sir.

Q. Was it not given to him for his use as long as he cared for his mother on the consideration that he would look after his mother and support her?

A. Yes, sir.

Q. And in the case he did not support her was the land to go to the children or go to your mother?

A. I do not suppose that was intended. I do not know.

Q. How close did you farm from that place?

A. About half a mile.

Q. What is the value of that place? - the Thomas Wright place, the place that he and Mrs. Martha J. Wright lived on?

A. Probably about \$1,000.00.

Q. \$1,000.00 for one hundred acres of land and a six room house?

A. That is all it is worth.

- Q. Did your mother live with you any while you were down there?
- A. She stayed with me a little while at a time.
- Q. Did you charge her board while she was staying with you?
- A. I did not.
- Q. Did you ever send her money while you have been working up there?
- A. No, sir.
- Q. Never sent her any money at all?
- A. No, sir.
- Q. Never sent her anything of any kind?
- A. I might have sent her a handkerchief.
- Q. Did you send her any shoes?
- A. No, sir.
- Q. You never sent her any money, in cash or by check?
- A. No, sir.
- Q. When did you move up here, Mr. Wright?
- A. September, 1923. Q. After your brother Thomas left? A. Yes, sir.
- Q. Who looked after your mother while she was down there? You brother Manly?
- A. No, sir, my brother Hosea.
- Q. Did he look after the things on the farm?
- A. He did after he moved there.
- Q. And then your brother Manly looked after your mother and supported her?
- A. No, Thomas sent her money and also left her support.
- Q. What support did he leave her?
- A. His 1923 crop.
- Q

Q. Well, that did not consist of any clothes or shoes, did it?

A. He left some money with her.

Q. Do you know that he left some money with her, or is that what your mother told you? You did not see him leave any?

A. No, sir, but my mother said he did.

RE-DIRECT EXAMINATION.

BY MR. HOLLOMAN:

Q. Is it not a fact that Tommie Wright is the only one of the family who has made contributions to your mother's support?

MR. GILLESPIE: We object to that because it calls for a conclusion

Q. of the witness.

Q. Do you know any of her children who have made contributions to the support of your mother other than Tommie Wright?

A. No, sir.

WITNESS EXCUSED.