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14515

FORM & A

No.

Soldier's Application for Pension

The Commissioner of Pensions reserves the right to call for additional testimony if he deems it necessary.

Name of Applicant.

J. H. Barton

Anderson County.

Postoffice *Palustris*

Route 6

JUL 31 1909

Filed

AUG 31 1909

Approved

Quarterly Allowance, \$24.00.

Pension allowed from

Rejected

Commissioner of Pensions.

FORM C

Soldier's Application for Pension

For use of blind, maimed and totally disabled soldiers
who are in indigent circumstances

THE STATE OF TEXAS

County of Anderson

I, J. H. Barton, do hereby make application to the Commissioner of Pensions for a pension to be granted me under the Act passed by the Thirty-first Legislature of the State of Texas, and approved March 26, A. D. 1909, on the following grounds:

I enlisted and served in the military service of the Confederate States during the war between the States of the United States, and that I did not desert the Confederate service, but during said war I was loyal and true to my duty, and never at any time voluntarily abandoned my post of duty in the said service; that I was honorably discharged or surrendered Wounded May 16-1864 and sent home by the Command
(Give date and cause.)

that I have been a bona fide citizen of this State since prior to January 1, 1880, and have been continuously since a citizen of the State of Texas, and that I J. H. Barton

(Here state fully the disability under which the applicant claims a pension, whether he lost in service a limb or limbs, eyes, or cause of total blindness, or whether he is totally disabled by reason of wounds received in service or disease.)

am suffering from a wound in the ankle, received in the war, and also from catarrh. I am also nearly blind.

I do further state that I do not hold any national, State, city or county office which pays me in salary or fees one hundred and fifty dollars per annum, nor have I an income from any other employment or other source whatever which amounts to one hundred and fifty dollars per annum, nor do I receive from any source whatever money or other means of support amounting in value to the sum of one hundred and fifty dollars per annum, nor do I own in my own right, nor does any one hold in trust for my benefit or use, nor does my wife own, nor does any one hold in trust for my wife, estate or property, either real, personal or mixed, either in fee or for life, of the assessed value of over one thousand dollars; nor do I receive any aid or pension from any other State, or from the United States, or from any other source, and that I am not an inmate of the Confederate Home, and I do further state that the answers given to the following questions are true:

1. What is your age? 75 years
2. Where were you born? Pickens District, S. Car.
3. How long have you resided in Texas? Since 1870
4. In what county do you reside? Anderson Co. TX
5. How long have you resided in said county and what is your postoffice address? Since 1870
P.O. Palestine Tex. P. F. D 6
6. Have you applied for a pension under the Confederate Pension Law heretofore and been rejected? If rejected, state when and where. Never applied
7. What is your occupation, if able to engage in one? Farming, but not able

- 8. In what State was the command in which you served organized? Alabama
- 9. How long did you serve? Give, if possible, date of enlistment and discharge. About 2 yrs
I think I enlisted in Spring of 1862
- 10. What was the letter of your company, number or name of battalion, regiment or battery? Co. I
43rd Regiment of Alabama
- 11. If transferred from one command to another, give time of transfer, name of command and time of service. Never transferred
- 12. What branch of the service did you enlist in—infantry, cavalry, artillery or navy? Infantry
- 13. If commissioned as an officer direct by the President, what was your rank and line of duty? Non commissioned
- 14. If detailed for special service, under the law of conscription, what was the nature of your service and how long did you serve? Never detailed
- 15. Have you transferred to others any property of any kind for the purpose of becoming a beneficiary under this law? No

Wherefore your petitioner prays that his application for pension be approved and such other proceedings be had in the premises as are required by law.

(Signature of Applicant) J. H. Barton

Sworn to and subscribed before me, this 7 day of July, A. D. 1909

O. B. Funderburk
County Judge Anderson County, Texas.

[SEAL.]

AFFIDAVIT OF WITNESSES

[NOTE.—There must be at least two credible witnesses.]

THE STATE OF TEXAS }
County of Anderson

Before me O. B. Funderburk, County Judge of Anderson County, State of Texas, on this day personally appeared J. V. Funderburk & J. A. Quick, who are personally known to me to be credible citizens, who, being by me duly sworn, on oath state that they personally know J. H. Barton

J. H. Barton, the above-named applicant for a pension, and they personally know that the said J. H. Barton has been a bona fide resident citizen of the State of Texas since prior to January 1, 1880, and that they have no interest in this claim.

(Signature of Witness) J. A. Quick

(Signature of Witness) J. V. Funderburk

Sworn to and subscribed before me, this 27 day of July, A. D. 1909

O. B. Funderburk
County Judge Anderson County, Texas.

[SEAL.]

AFFIDAVIT OF PHYSICIAN

THE STATE OF TEXAS }
County of

Before me, County Judge of County, State of Texas, on this day personally appeared, who is a physician in good standing, who, being by me duly sworn, on oath says that he has carefully and thoroughly examined, the applicant, and finds him laboring under the following disabilities:

(Here state fully whether he lost a limb or limbs, or is blind, or totally disabled; in the latter case stating specifically the personal ailment and conditions that render the applicant entirely helpless and incapacitated, physically or mentally, for any work or business.)

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.....

Sworn to and subscribed before me, this.....day of....., A. D. 19.....

[SEAL.]

County Judge.....County, Texas.

AFFIDAVIT OF WITNESSES

(If possible, the two witnesses should have served with the applicant in the army, and, if so, let them, or either, state in their oath their source of knowledge; also any information regarding applicant's army service.)

THE STATE OF TEXAS }
County of..... }

Before me....., County Judge of.....County, State of Texas, on this day personally appeared....., who are personally known to me to be credible persons, who, being by me sworn, on oath state that they are personally acquainted with the foregoing applicant, and that the facts set forth and statements made in his application are correct and true, to the best of their knowledge and belief, and that they have no interest in this claim, and said applicant's habits are good and free from dishonor. And.....further make oath to the following facts touching the applicant's service in the Confederate Army:

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(Signature of Witness).....
(Signature of Witness).....

Sworn to and subscribed before me, this.....day of....., A. D. 19.....

[SEAL.]

County Judge.....County, Texas.

CERTIFICATE OF THE STATE AND COUNTY ASSESSOR (IX)

I, Ben D Jackson, State and County Assessor in the County of Anderson, State of Texas, do certify that J H Boston or his wife, or his trustee, or trustee for his wife, whose name is signed to the foregoing application for a pension under the Act of the Thirty-first Legislature, approved March 26, A. D. 1909, is charged on the land and personal property rolls of the said county with estate, real, personal and mixed, at the assessed value of 980.00 dollars.

Given under my hand, this 27th day of July, A. D. 1909

Ben D Jackson
State and County Assessor.

INTERROGATORIES TO WITNESSES IN PENSION CLAIMS.

EX PARTE

J. H. Burton
Applicant for Confederate Pension.

Pending in *Anderson* County,
Texas, before the Honorable County Judge of said
County.

The Honorable County Judge of *Anderson* County, Texas,

will please take notice that, five days after the service hereof, applicant herein will apply to the Clerk of the County Court of said County and State, for a commission to take the depositions of *H. S. Autney* and ~~and~~ who reside *s* in the County of ~~Anderson~~ in the State of *Ark*

in answer to the following interrogatories and such cross interrogatories as may be propounded by the County Judge of said County, which will be read in evidence upon the hearing of applicant's claim for pension in behalf of applicant; said testimony is material and indispensable to applicant in furnishing the required proof to his claim for a pension under the Act of March 26, 1909, the application for which is now pending before the Honorable County Judge, and the facts necessary and required to be proven under the provisions of said Act, applicant believes can not be proven by any witness residing in the County of *Anderson* and State of Texas, of which he is a bona fide resident.

J. H. Burton
(Applicant) Attorney for Applicant.

Direct Interrogatories to be Propounded to the Witness.....

H. S. Autney

- INT. 1. What is your name? Age? Present place of residence and postoffice address?
- INT. 2. Do you personally know, or did you at any time know *J. H. Burton* who is an applicant for pension under Act of March 26, 1909?
- INT. 3. How long have you known the said *J. H. Burton* applicant for pension and when and where did you first know him?
- INT. 4. Do you personally know that the said *J. H. Burton* applicant for pension enlisted in the service of the Confederacy, and performed the duties of a soldier or a sailor?
- INT. 5. Do you personally know in what company and regiment the said *J. H. Burton* applicant, enlisted and served in the Confederate army? When? Where? And the time of service? If you personally knew and so have stated that he enlisted and served in in the Confederate navy, then state: When? Where? And how long he so served?
- INT. 6. Do you personally know that *J. H. Burton* applicant for pension, was commissioned as an officer directly by the President of the Confederate States? What was his rank and line of duty?
- INT. 7. Do you further know if said applicant was, under the provisions of the conscript law, detailed for any kind of special service in the field, shops, armories, etc., of the Confederacy? What was the nature of his service, and how long did he serve?

~~Sub. State~~

CROSS INTERROGATORIES.

To be Propounded to *H. S. Autney* TX

CROSS INTERROGATORY 1: If, in answer to the foregoing direct interrogatories, you have stated that you personally know or did know said applicant, and that you know that he enlisted in the service of the Confederacy and performed the duties of a soldier or sailor, and having named the company and regiment or special service in which applicant so enlisted and served, then please state fully what is your source of such knowledge? And state whether or not you know or at any time you knew of any other soldier or sailor by the name of *J. H. Burton* serving in the same company or regiment or special service in which you say the said applicant *Burton* enlisted, or if you have stated that said applicant enlisted and served in the navy of the

Confederacy, then state whether or not you know any other soldier or sailor of the same name as said J. H. Barton applicant serving in the same command, or the special service to which he was assigned?

If you say that you so knew other soldiers or sailors of the same name of applicant's, then can you and how do you identify and locate the one from the other or others?

Cross INT. 2. Are you positively certain that said J. H. Barton applicant for pension, is the identical person serving as testified by you?

Cross INT. 3. Do you know whether or not the said J. H. Barton applicant for pension served honorably from the date of his enlistment until the close of the late Civil War between the States, or until he was discharged from said company and regiment, or the special service to which he had been assigned?

Cross INT. 4. Do you know whether or not the said J. H. Barton deserted his command or voluntarily abandoned his post of duty, or the service during said war?

THE STATE OF TEXAS,

County of Anderson

I, O. B. Funderburk, County Judge of said County, in said State, do hereby waive copy of interrogatories, notice and issuance of commission, and it is hereby agreed that the answers to the hereinabove direct and cross interrogatories of the said herein named witness.....may be attached hereto.

O. B. Funderburk
County Judge..... County, Texas.

J. H. Barton
(Applicant) Attorney.....for Applicant.

In Re

Application for Confederate Pension.

Pension.

FOR USE OF SOLDIERS

County, Texas,

Pending before the County Judge of said County.

EX PARTE

Applicant.

INTERROGATORIES

propounded to

Witnesses.

EX PARTE

IN RE APPLICANT FOR CONFEDERATE PENSION

Under Act March 26, 1909, pending *in*

Anderson

J. H. Barton
Applicant for Confederate Pension.

County, Texas, before the Honorable County Judge
of said County.

Answers and depositions of (1) *H. S. Autrey who resides at Black Springs, Arkansas.*

to the accompanying interrogations (2) *and cross interrogatories propounded to him* in the above entitled cause taken before (3) *Isaac L. Autrey, Notary Public* in accordance with the accompanying (7) *commission and interrogatories*

To the first interrogatory the said *H. S. Autrey*

Witness, answers *My name is Henry S. Autrey, My age is 79 years. I reside at Black Springs, Montgomery County, Arkansas and my post office address is H. S. Autrey, Black Springs, Ark. Witness answer to Int. 2.*

Yes, I personally knew J. H. Barton. Witness answer to Int. 3.

I have known J. H. Barton for 55 or 56 years. In 1853 or 1854, in Gordon County, Ga.

Witness answer to Int. 4.

Yes, I personally know that the said J. H. Barton enlisted in the service of the Confederacy, and performed the duties of a soldier.

Witness, answer to Int. 5.

Yes, I personally know that the said J. H. Barton enlisted and served in the Confederate army in Company "J" and 43rd Regiment of A. S. Infantry. I am not positive whether he enlisted in the fall of 1862 or the first part of 1863, I think it was in the State of Tenn. About 18 months until he was wounded and he was not able for service any more during the war.

Witness, answer to Int. 6.

No.

(IX)

Witness answer to Int. 7

No.

Witness answer to Cross Int. 1

I knew J. H. Barton before the War began and served in the same company and Regiment with him and I did not know any other soldier by the name of J. H. Barton.

Witness answer to Cross Int. 2.

yes.

Witness answer to Cross Int. 3.

He did from enlistment until wounded

Witness answer to Cross Int 4

No he did not.

J. B. Austin

[Lined area for deposition text]

- (1) Here give the name and residence of each witness.
- (2) Here state "and cross interrogatories," if any.
- (3) Here give the name and official character of the person taking the deposition.
- (4) Here state "respectively," if more than one witness.
- (5) Here state whether "Commission, or agreement," if Commission was waived.



Subscribed and sworn to before me, this 19th day of July, 1909

Isaac L. Swtrey
Notary Public

THE STATE OF Arkansas
County of Montgomery
Notary Public

I, Isaac L. Swtrey
(Here give name and official character of officer before whom taken.)

do hereby certify that H. S. Swtrey
and is personally known to me to be credible citizen of said
County and State, and that the foregoing answers of H. S. Swtrey
the witness before named, and

whose name appears signed to the foregoing deposition, were made before me
and were sworn to and subscribed before me, by said witness (4)

Given under my hand and official seal, this the 19 day of July, 1909
(L. S.) Isaac L. Swtrey
Notary Public

NOTE.—In Texas, any Clerk of the District Court, any Judge and Clerk of the County Court, or any Notary Public or Justice of the Peace, within their
respective Counties, are authorized to take depositions.
Out of the State and within the United States—any Clerk of a Court of Record having a seal, any Notary Public, or any Commissioner of Deeds of Texas.

File No. _____

In _____ County, Texas,
before the Honorable County Judge of said County.

EX PARTE

J. H. Benton
Applicant for Confederate Pension

DEPOSITION
OF
H. S. Swtrey

Witness _____ for Applicant

_____ day _____ 190____
Clerk.
Deputy.

Fee for Taking Deposition, \$ _____

VON BOECKMANN-JONES COMPANY, PRINTERS, AUSTIN, TEXAS

1 The State of Texas
 2 County of Anderson }

3 Before me, O. Funderburk,
 4 County Judge on this day person-
 5 ally appeared R. D. Curtis, known
 6 to me to be a credible per-
 7 son, who being by me du-
 8 ly sworn in with deposed
 9 and says:

10 My name is R. D. Curtis - My
 11 age is 68 years - I reside in
 12 Palestine in Anderson County
 13 Texas. I am personally ac-
 14 quainted with J. H. Barton ap-
 15 plicant for a pension under
 16 act of 31st Legislature - I have
 17 known him all my life, I
 18 was about 24 years of age at the
 19 beginning of the Civil war. I served
 20 in the war myself, joining the 18th
 21 day of Octo 1861. J. H. Barton and
 22 myself did not serve together
 23 Applicant stayed one or two nights
 24 with me during his service in the
 25 war - At this time I was living about
 26 9 miles from Resaca Ga. I understood
 27 when applicant was with me that
 28 he was off on leave of absence
 29 from his command and that his
 30 command was stationed at
 31 Resaca. At his request I con-
 32 veyed him back to camp

1 at Resaca - While I do not know
 2 the name or ~~letter~~ letter of
 3 his company or command I
 4 am certain that he rejoined his
 5 command at the time I took
 6 him back.

7 Applicant took a number of
 8 pieces back to camp which my
 9 wife gave him, and upon
 10 arrival at camp he divided
 11 with his mess mates -

12 About a year after this incident
 13 I visited his applicant's home
 14 and was told by applicant's
 15 wife that applicant was in
 16 the army then stationed near
 17 Richmond Virginia. I am
 18 not related to applicant ^{except by marriage} and
 19 have no interest in his claim for
 20 a pension. I know applicant to be a man of good habits and honor.

21 L. B. Curtis

22
 23 Subscribed and sworn to
 24 before me this the 7th day of
 25 July 1909

26 L. B. Sundebart
 27 County Judge, Anderson County Tex

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VON BOECKMANN-JONES CO., PRINTERS, AUSTIN

789-709-2m



E. A. BOLMES, Commissioner

OFFICE OF
Commissioner of Pensions

State of Texas

Austin AUG 16 1909

To the Adjutant General,
War Department,
Washington, D. C.

Dear Sir:

I have the honor to request the military record
of J. H. Barton who is reported to have enlisted in
Company J., 43^d Regiment Alabama Infantry
in the service of the Confederate States Army.

Purpose: The ~~widow~~ of the person above named is an applicant for a
Confederate pension granted by this State, and I desire to verify his
proof of service.

Very respectfully,



E. A. Bolmes

Commissioner of Pensions.

14515

ADJUTANT GENERAL'S OFFICE

AUG 20 1556997 1909

WAR DEPARTMENT

Address: "The Adjutant General,
War Department, Washington, D. C."

1556997

WAR DEPARTMENT,

THE ADJUTANT GENERAL'S OFFICE,

WASHINGTON, August 20, 1909.

Respectfully returned to the

Commissioner of Pensions,
State of Texas,
Austin.

The records show that Jacob Barton (name J. H. Barton not found), private, Company I, 43d Alabama Infantry, Confederate States Army, enlisted December 26, 1862. On the roll of the company for January and February, 1865 (last roll on file), he is reported absent without leave.

The Union records show that I. H. Barton, same rank and company, Confederate States Army, was paroled at Columbus, Mississippi, May 30, 1865. No record of capture has been found.



The Adjutant General.

[A. G. O. 72-1]

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