

W 3678

Endorsements Hereon for Comptroller's Use Exclusively

FORM No. 2.

CONFEDERATE PENSION APPLICATION

Name of Applicant

Mr. J. E. Berry

County

Post Office

Wagon - Tex

Comptroller's File No.

3678

I have carefully examined the within application for pension, together with the proof in support thereof, and recommend that the application be

Approved

this

11th

A. D.

Wm. J. Train

Pension Clerk

I hereby

approve the within application for pension this

11th

day of

Oct. 1899

Comptroller

No Application Rejected by County Judge or County Commissioners Should be Forwarded to Comptroller.

MAVERICK-LARKE LITHO CO., SAN ANTONIO

with the order of J. E. Berry
Wm. J. Train

GENERAL OFFICE OF COMMISSIONERS

GENERAL OFFICE OF COMMISSIONERS

GENERAL OFFICE OF COMMISSIONERS

APPLICATION of Indigent widow of Soldier or Sailor of the late Confederacy for pension under the Act of May 12, 1899.

THE STATE OF TEXAS,

COUNTY OF

Smith

To the Honorable County Judge of *Smith* County, Texas.

Your petitioner, Mrs. *C. E. Berry* respectfully represents that she is a resident citizen of *Smith* County, in the State of Texas; that she is the widow of *Elisha Berry*, deceased, who was a Confederate soldier (or sailor), and that she makes this application for the purpose of obtaining a pension as the widow of said *Elisha Berry*, deceased, under the act passed by the Twenty-sixth Legislature of the State of Texas, and approved May 12, A. D. 1899, the same being an act entitled "An act to carry into effect the amendment to the Constitution of the State of Texas, providing that aid may be granted to disabled and dependent Confederate soldiers, sailors, and their widows under certain conditions, and to make an appropriation therefor," and I do solemnly swear that the answers I have given to the following questions are true.

NOTE—Applicant must make answer to all of the following questions, and such answers must be written out plainly in ink.

- Q. What is your name? Answer *Cornelia E. Berry*
- Q. What is your age? Answer *57 years old -*
- Q. In what County do you reside? Answer *Smith*
- Q. How long have you resided in said County and what is your post office address? Answer *8 months*
Tyler - Texas -
- Q. Have you applied for a pension under the Confederate Pension Law heretofore, and been rejected? If so state when and where. Answer *No -*
- Q. What is your occupation if able to engage in one? Answer *House Keeping*
- Q. What is your physical condition? Answer *I have been in very bad health 6 years and am yet*
- Q. What was the name of your deceased husband? Answer *Elisha Berry*
- Q. Were you married to him anterior to March 1, 1866? If so, on what date were you married to him and where? Answer *Yes - June 27th 1865 - In Texas -*
- Q. What was the date of his death? Answer *Feb. 14th 1899 -*
- Q. Are you unmarried, and have you so remained unmarried since the death of your said husband for whose services you claim a pension? Answer *Yes - Yes -*
- Q. State in what company and regiment your deceased husband for whose services you claim a pension enlisted in the Confederate Army, and the time of his service therein? Answer *Company "E" - 3rd Texas Regt. - about 4 years -*
- Q. If your deceased husband served in the Confederate Navy, state when and where, and the time of such service? Answer
- Q. State whether or not you have received any pension or veteran donation land certificate under any previous law, and if you answer in the affirmative state what pension or veteran donation land certificate you have so received. Answer *None*



X

Q. What real and personal property do you now own, and what is the present value of such property? Give list of such property and value. Answer: *I have no real or personal property of any sort -*

Q. What property, and what was the value thereof have you sold or conveyed within two years prior to the date of this application? Answer: *None*

Q. What income, if any, do you receive? Answer: *Nothing*

Q. Are you in indigent circumstances; that is, are you in actual want, and destitute of property and means of subsistence? Answer: *Yes -*

Q. Are you unable by your labor to earn a support? Answer: *Yes -*

Q. Have you transferred to others any property of value of any kind for the purpose of becoming a beneficiary under this law? Answer: *None*

Q. Did your deceased husband for whose services you claim a pension, ever desert the Confederacy? Answer: *No -*

Q. Have you been continuously since the first day of January, 1880, a bona fide resident citizen of this State? Answer: *Yes -*

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

(Signature of Applicant) *Cornelia Berry*

Sworn to and subscribed before me this *7* day of *Aug* A. D. *1899*

(SEAL)

Geo. W. Cross
County Judge *Smit* County, Texas.

AFFIDAVIT OF WITNESSES.

(NOTE—There must be at least two credible witnesses.)

THE STATE OF TEXAS,

COUNTY OF *Smit* Before me, *Geo. W. Cross*
County Judge of *Smit* County, State of Texas, on this day personally appeared

J. N. Peacock and J. L. Peacock
who are personally known to me to be credible citizens, who being by me duly sworn on oath, state that they personally know

that Mrs. *C. E. Berry*, applicant for a pension as the widow of

E. Berry, deceased, is in truth and fact the widow of the said

E. Berry, deceased; that they personally know that the said

E. Berry, deceased, enlisted in the service of the Confederacy, and performed the duties of a soldier (or sailor) as claimed by his said widow in the above and foregoing application, and that they further know that the said Mrs. *C. E. Berry*, widow of the said

E. Berry, deceased, is unable to support herself by labor of any sort.

(Signature of Witness) *J. N. Peacock - to identify as widow of E. Berry*

(Signature of Witness) *J. L. Peacock - to identify as widow of E. Berry*

(Signature of Witness) _____

(Signature of Witness) _____

Sworn to and subscribed before me this *7* day of *Oct* A. D. *1899*

(SEAL)

Geo. W. Cross
County Judge *Smit* County, Texas.

Deposition

CERTIFICATE OF COUNTY JUDGE.

THE STATE OF TEXAS,

COUNTY OF Smith

I, Geo. W. Cross

County Judge of Smith

County, State of Texas, do hereby certify that on the 16

day of Aug. A. D. 1899

Mrs. Cornelia Berry widow of Elisha Berry

deceased, for a pension under the Confederate Pension Law of this

State, approved May 12, A. D. 1899; that the answers of said applicant to the questions propounded were made under oath as the same

appear in writing in the foregoing application; that the affidavits of the witnesses who are credible citizens were made before me as the

same hereinbefore appear. I also certify that the said applicant Cornelia Berry

is not disqualified under any of the provisions of Section 12, of the Confederate Pension Law. I further certify that after considering all

of the proceedings had before me relative to the said application for a pension by the said Mrs.

Cornelia Berry as widow of Elisha Berry

deceased, I find the said applicant is lawfully entitled to the pension provided for by the Confederate Pension Law of this State, and I

hereby approve said application.

Witness my hand and seal of office at Tyler this 16

day of Aug. A. D. 1899

Geo. W. Cross

County Judge Smith County, State of Texas.

(SEAL)

CERTIFICATE OF COUNTY COMMISSIONERS.

THE STATE OF TEXAS,

COUNTY OF Smith

We, the undersigned members of the Commissioners Court of

Smith County, Texas, hereby certify that the foregoing application of Mrs. C. E. Berry

widow of Elisha Berry deceased, for a pension,

together with the proof in support thereof, was duly submitted by Hon. Geo. W. Cross

County Judge of this Smith County, to the Commissioners Court of this Smith

County, at a regular term thereof on the 16 day of Aug. A. D. 1899, and after a careful

consideration of the same we find the said applicant is lawfully entitled to the pension provided for by the Confederate Pension Law of

this State, and we hereby approve said application.

Witness our hands and seal of office at Tyler Tex this 16

day of Aug. A. D. 1899

W. H. Hairgrove

H. A. Brown

D. J. Epperson

M. H. Cochrane

(Signatures of Commissioners.)

TX

(SEAL)

A 68.

File No.

IN THE COMMISSIONERS' COURT

of Smith County,
BEFORE THE COUNTY JUDGE OF SAID COUNTY.

Ex Parte C. E. Berry

COMMISSION

TO TAKE THE DEPOSITION OF

S. W. Sublett
vs. Thomas Davis

Mr. C. E. Berry
Applicant for Confederate Pension.

Issued the 7 day of Aug. 1899.

Returned and filed the _____ day of _____ A. D. 1_____

Clerk _____ Court,
_____ County, Texas.
_____ Deputy.

THE STATE OF TEXAS,

To the Clerk of the District Court, Judge or Clerk of the County Court, or any Notary Public in and for the County of San Augustine State of Texas—GREETING:

WE HEREBY AUTHORIZE AND REQUIRE YOU, OR EITHER OF YOU, to summon

J. W. Sublett & Thomas Davis

resident of your

County

to come before you forthwith, and that you then and there take answers, under oath, to the attached copy of Interrogatories, and that you return the same, without delay, to the Clerk of this Court as herein provided:

1. That you reduce the answers so taken to writing, in proper form, and cause the same to be subscribed and sworn to by said witness.
2. That you certify under your hand and seal of office, that said answers were sworn to and subscribed before you.
3. That you seal up in an envelope the answers so taken, together with the annexed interrogatories, and this Commission, with your name across the seal.
4. That you endorse on the envelope the name of the applicant for pension herein, and the name of said witness.
5. That you direct the package to the "Clerk of the District Court Court of San Augustine County, Texas Texas."
6. That if said package is sent by mail, the Postmaster or his Deputy shall endorse thereon that he received it from your hands, and sign his name thereto; or if you entrust it to private conveyance, as provided by the Statute, you will apprise the person receiving it that it must be delivered to the Clerk of this Court by himself in person; which evidence, so taken as above, is to be used in proof of and on hearing of a pension claim now pending in the Commissioners' Court of San Augustine County, in said State of Texas, before the County Judge of said County, entitled "Ex parte Mrs. C. E. Berry applicant for Confederate pension."

HEREIN FAIL NOT, but make due return of this Writ as the law directs.

Given under my hand and seal of office, at Tyler

this 17 day of July A. D. 1899

J. W. Croft
Attest: J. W. Croft
Clerk of the San Augustine Court of Texas



Deputy.

EX PARTE

Mrs. C. E. Berry
Applicant for Confederate Pension.

Pending in the Honorable Commissioners' Court
of Smith County, Texas,
before the Honorable County Judge of said County.

The Honorable County Judge of Geo. W. Cross 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. W. Sublett and Thomas Davis
who reside in the County of San Augustine in the State of Texas
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 her claim for a pension under the Act of May 12, 1899, 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 Smith
and State of Texas, of which he is a bona fide resident.

Mrs. C. E. Berry
(Applicant's) Attorney for Applicant.

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

- 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 Elisha Berry whose widow is an applicant for pension under Act of May 12, 1899?
- INT. 3. How long have you known the said Elisha Berry applicant for pension, and when and where did you first know him?
- INT. 4. Do you personally know that the said Elisha Berry applicant for pension, enlisted in the service of the Confederacy, and performed the duties of a soldier or sailor?
- INT. 5. Do you personally know in what company and regiment the said Elisha Berry 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 the Confederate navy, then state: When? Where? And how long he so served?
- INT. 6. Do you further know that Elisha Berry, the said applicant for pension, is unable to support himself by labor of any sort?

(IX)

CROSS INTERROGATORIES.

TO BE PROPOUNDED TO S. W. Sublett & Thomas Davis

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 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 Elisha Berry applicant, Elisha Berry serving in the same company or regiment in which you say the said applicant, Elisha Berry, 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 sailor of the same name as said Elisha Berry applicant, serving in the same command?

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

CROSS INT. 2. Are you positively certain that said Elisha Berry applicant for pension, is the identical person serving as testified by you?

CROSS INT. 3. If you have answered Direct Interrogatory No. 6 in the affirmative, then please state your source of knowledge or information? Is not this your answer simply based upon conjecture?

CROSS INT. 4. Do know whether or not the said Elisha Berry applicant for pension, ever deserted the service in the Confederate army or navy?

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THE STATE OF TEXAS,
County of Smith

I, Geo. W. Cross, County Judge of said County, in said State, do hereby waive copy of interrogatories, notice, time 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.

Geo. W. Cross
County Judge Smith County, Texas.
Mr. C.E. Berry
(Applicant) Attorney for Applicant.

In Re
Application for Confederate
Pension.

IN COMMISSIONERS' COURT,
Smith COUNTY, TEXAS.

Pending before County Judge of said County.

EX PARTE
Mr. C.E. Berry
Applicant.

INTERROGATORIES
PROPOUNDED TO
Mr. C.E. Berry
WITNESSES.
Mr. C.E. Berry

EX PARTE

IN RE APPLICANT FOR CONFEDERATE PENSION

Under Act May 12, 1899, pending in County Commis-
sioners' Court of
County, Texas, before the Honorable County Judge of
said County.

Applicant for Confederate Pension.

Answers and deposition of (1) A. W. Sublett

to the accompanying interrogatories (2) and cross interrogatories
propounded to them in the above entitled cause taken before (3) A. B. Sassaman J.P.
and Ex officio Notary Public point no. 1, San Augustine County
in accordance with the accompanying (5) Commissioners

To the first interrogatory the said A. W. Sublett

Witness, answers: 1st int A. W. Sublett 55 years San Augustine Co

2d int - Yes

3d I have known him for 40 years in San Augustine County

4th yes

5th yes in 1861 San Augustine was 4 years in Co. E. 3rd Texas.

6th int He moved from this county about 2 years ago and was then unable to support himself.

Cross interrogatories

Witness A. W. Sublett. Ans. 1st Cross int, I served with said Elisha Bray and I know no other Elisha Bray in said Co. E. 3rd Texas

2nd Cross yes.

3rd Cross it is not certain but facts

4th Cross I know he did not

A. W. Sublett



Swore to and subscribed before me this 9th day of Aug 1899

A. B. Sassaman J.P. and Ex officio Notary Public A. C. Co in

Sworn Witness L. Sharp
1st Int L. Sharp age 57 yrs
San Augustine Texas

2nd Int Yes

3^d Int 40 yrs San Augustine Texas

4th Int I do

5th Yes Co E 3rd Regt in 1861.
in San Augustine Texas
I served with him in the state of
Mississippi 5 or 6 months

6th I dont know

1st Cross Int Cross Interrogatories

My source of knowledge is my serving
with him in same Co & Regiment and I do
not know of any other Elisha Bezy in said
Co or Regiment

2nd cross Int

I am

3^d cross Int

4th cross Int

He did not

Sworn to and subscribed
before me this 9th
day of Aug 1899

L. Sharp



A. P. Sarramon J.P.
and Official Notary Public

District No. 1 San Augustine Co

(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 _____ day of _____ 1

THE STATE OF TEXAS,

County of Samaritonia

I, J. P. Lassaman }
(Here give name and official character of officer before whom taken.)

Officer Notary Public do hereby certify that H. W. Sublett
and L. Sharp are personally known to me to be credible citizens of said
County and State, and that the foregoing answers of H. W. Sublett and
L. Sharp

the witness before named, and

whose name appear signed to the foregoing deposition, were made before me,
and were sworn to and subscribed before me, by said witness (4) H. W. Sublett & L. Sharp

Given under my hand and official seal, this the 9th day of Aug 1899

[L. S.]

J. P. Lassaman }
Officer Notary Public
S. A. Co. 2nd

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.

A 70.

File No.

In the Commissioners' Court

OF

County, Texas,

Before the Honorable County Judge of said County.

EX PARTE

Applicant for Confederate Pension.

DEPOSITION

OF

Witness.....for Applicant.

Filed the.....day

of.....

By.....Clerk.

Deputy.

Fee for Taking Deposition, \$