

19497

FORM B

Widow's Application for Pension

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

Dead

Name of Applicant.

Mrs Harriet Burke

Smith County.

Postoffice *Tyler*

Filed **OCT 13 1910**

Approved **OCT 24 1910**

Pension allowed from **SEP 1 1910**

Rejected

E. A. Bolnes

Commissioner of Pensions.

VON BOECKMANN-JONES CO., PRINTERS, AUSTIN

For use of Widows of Soldiers who are in indigent circumstances.

THE STATE OF TEXAS

County of Smith

I, Mrs Harriet Burks, 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 am the widow of J A Burks, deceased, who departed this life on the 7th day of November, A. D. 1901, in the county of Smith, in the State of Texas

I have not remarried since the death of my said husband, and I do solemnly swear that I was never divorced from my said husband, and that I never voluntarily abandoned him during his life, but remained his true, faithful and lawful wife up to the date of his death. I was married to him on the 11 day of Dec, A. D. 1853, in the county of Macon in the State of Ala

My husband, the said J A Burks, enlisted and served in the military service of the Confederate States during the war between the States of the United States, and that he did not desert the Confederate Service. I have been a resident of the State of Texas since prior to March 1, A. D. 1880, and have been continuously since a citizen of the State of Texas. I do further state that I do not 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, 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 I do further state that the answers given to the following questions are true:

1. What is your age? 73 years
2. Where were you born? Macon County, Ala-
3. How long have you resided in the State of Texas? 37 years
4. How long have you resided in the county of your present residence? And what is your postoffice address? Have lived in the ^{County} since we came to Texas. Tyler Tex
5. What was your husband's full name? James Armstrong Burks
6. When and where were you married? Dec - 11 - 1853 - Macon Co, Ala -
7. What was the date of his death? Nov 7 - 1901
8. In what State was your husband's command originally organized? Alabama
9. How long did your husband serve? If known to you, give date of enlistment and discharge. Enlisted Spring of 1861 - Served (4) years
10. What was the name or letter of the company, or name or number of the battalion, regiment or battery of artillery in which your husband served? If he was transferred from one branch of service to another, give time of transfer, description of command and of service. Company - E - 34th Regiment - Artillery - (4) years - Private
11. Name branch of service in which your husband served, whether infantry, cavalry, artillery or the navy, or if commissioned as an officer by the President, his rank and line of duty, or if detailed for special service, under the law of conscription, the nature of such service, and how long did he serve? Hood's Brigade
12. 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 her application for a pension be approved and such other proceedings be had in the premises as are required by law.

(Signature of Applicant) Harriet Burks

Sworn to and subscribed before me, this 15 day of Aug, A. D. 1910

J A Bullock
County Judge Smith County, Texas.

[SEAL.]

AFFIDAVIT OF WITNESSES

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

THE STATE OF TEXAS }

County of Smith }

Before me J A Bullock, County Judge of Smith County, State of Texas, on this day personally appeared Mrs Jane Johnson & J A Young 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. Harriet Burks applicant for a pension as the widow of J A Burks deceased, is in truth and fact the widow of J A Burks deceased; that they personally know that she has not remarried since the death of her husband, for whose service in the army she claims a pension, and that they have no interest in this claim.

(Signature of Witness) Mrs. Jane Johnson

(Signature of Witness) J A Young

Sworn to and subscribed before me, this 15 day of Aug, A. D. 1910

J A Bullock
County Judge Smith County, Texas.

[SEAL.]

AFFIDAVIT OF WITNESSES

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

THE STATE OF TEXAS }

County of Smith }

Before me J A Bullock, County Judge of Smith County, State of Texas, on this day personally appeared J M McDougal & John Horden who are personally known to me to be credible citizens, who, being by me duly sworn, on oath state that they personally know the above-named applicant for a pension, and that they personally know that the said Mrs Harriet Burks has been a bona fide resident citizen of the State of Texas since prior to March 1, A. D. 1880, and that they have no interest in this claim.

(Signature of Witness) J M McDougal

(Signature of Witness) John Horden

Sworn to and subscribed before me, this 15 day of Aug, A. D. 1910

J A Bullock
County Judge Smith County, Texas.

[SEAL.]

EX PARTE

IN RE APPLICANT FOR CONFEDERATE PENSION

Mrs. Harriet Burns

Under Act March 26, 1909, pending

James

Applicant for Confederate Pension.

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

Answers and depositions of (1)

J. R. Young

to the accompanying interrogations (2)

+ Cross Interrogatories

propounded to him in the above entitled cause taken before (3)

Law A. Smith

in accordance with the accompanying (7)

questions

To the first interrogatory the said

J. R. Young

Witness, answers

My name is J. R. Young

I was 48 July 17th, 1910. My P. O. address is Henderson Texas Route No 4, Rust, County.

To the 2nd Inter. witness answers: I knew Jas A. Burns during the Civil War, from 1862 to 1865

To the 3rd Inter. witness answers: I knew said Jas. A. Burns from 1862-1865 while in the Confederate service.

To the 4th Inter. witness answers: I personally know that said Jas. A. Burns enlisted in the Confederate Army and performed the duties of a soldier.

To the 5th Inter. witness answers: He enlisted in Co. E. Fiddlers Company, 34th Alabama Regiment. He enlisted in Spring of 1862, He enlisted at Lochapoka Alabama and served from time of enlistment to close of war.

To the 6th Inter. witness answers: He was not commissioned by the president of the Confederacy.

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To the 7th Inter. witness answers:

He was detailed to the ambulance
company 1863. He served till close
of war

To the first Cross Inter. I know all
the above facts because I was there
with him. He was my sergeant for
the ambulance corp.

I do not know of any other soldier
by the same name

witness answers

To the 2nd Cross Inter. I am positively
certain that said Jas A Burke is the
identical person of whom I have testified.

To the 3rd Cross Inter. witness answers:
He served honorably from date of re-
tirement to close of war

To the 4th Cross Inter. witness answers:
Said Jas A Burke did not desert
or abandon his command during
said war.

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.

Dotted lines for text entry.

Subscribed and sworn to before me, this 29 day of September, 1910
Levi A. Smith, Clerk
Clerk Court, Rust Co Texas

THE STATE OF Texas
County of Rust
Clerk Co Court Rust Co do hereby certify that J. R. Young
I, Levi A. Smith
(Here give name and official character of officer before whom taken.)

and J. R. Young are personally known to me to be credible citizens of said
County and State, and that the foregoing answers of J. R. Young
the witness J. R. Young 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) one witness only

Given under my hand and official seal, this the 29 day of Sept., 1910
(L. S.) Levi A. Smith, Clerk
Clerk Court Rust Co Texas

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
Anna Forrest Burns
Applicant for Confederate Pension
DEPOSITION
OF
J. R. Young
Witness _____ for Applicant
Filed _____ day
of _____ 19____
Clerk. _____
By _____ Deputy.
Fee for Taking Deposition, \$ _____
VON SOECKMANN-JONES COMPANY, PRINTERS, AUSTIN, TEX.



E. A. BOLMES, Commissioner

OFFICE OF
Commissioner of Pensions

State of Texas
Austin

OCT 15 1910

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

Dear Sir:

I have the honor to request the military record
of J. A. Burke who is reported to have enlisted in
Company E, Regiment 34th 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.

19497

RECEIVED
OCT 18 1910
WAR DEPARTMENT

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

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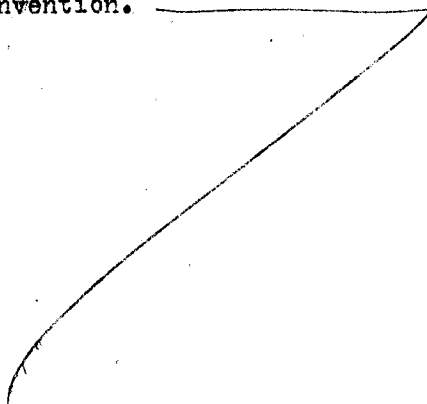
WAR DEPARTMENT,
THE ADJUTANT GENERAL'S OFFICE,
WASHINGTON, Oct. 19, 1910.

Respectfully returned to the

Commissioner of Pensions,
State of Texas, Austin.

The records show that James A. Burks, sergeant, Company E, 34th Alabama Infantry, Confederate States Army, enlisted March 12 (year not stated).

The prisoner of war records show Jas. A. Burke, sergeant, Company I, 24th Alabama Infantry (which was consolidated with the 34th and 38th Alabama Infantry, and paroled in 1865 as the 24th Alabama Infantry), Confederate States Army, paroled May 1, 1865, at Greensboro, North Carolina, under terms of Johnston-Sherman military convention.



[Handwritten Signature]
The Adjutant General.

(A.G.O. 72-1)

Per *[initials]*

Received A.G.O. OCT 18 1910

EX PARTE

Mrs Harriet Burks
Applicant for Confederate Pension.

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

The Honorable County Judge of Smith 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 Rufus Young
and Buck who reside in the County
of Buck 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 of claim for a pension under the Act of March 26, 1909, the applica-
tion 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 she is a bona fide resident.

Mrs Harriet Burks
(Applicant) 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 Jas A Burks who
Wilson is an applicant for pension under Act of March 26, 1909?
- INT. 3. How long had you known the said Jas A Burks
and when and where did you first know him?
- INT. 4. Do you personally know that the said J A Burks
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 A Burks
enlisted and served in the Confederate army? When? Where? And the time of service? If you person-
ally 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 personally know that J A Burks
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 J A Burks 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?

CROSS INTERROGATORIES.

To be Propounded to Rufus Young
CROSS INTERROGATORY 1. If, in answer to the foregoing direct interrogatories, you have stated that you personally
know or did know said J A Burks 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 J A Burks 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 A Burks serving in the same company or regiment, or special
service in which you say the said J A Burks enlisted, if you have stated that said
J A Burks enlisted and served in the navy of the Confederacy, then state whether or

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not you know any other soldier or sailor of the same name as said J. A. Bunker applicant serving in the same command, or the special service to which he was assigned?

If you say that you so know other soldiers or sailors of the same name of J. A. Bunker 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. A. Bunker is the identical person serving as testified by you?

Cross INT. 3. Do you know whether or not the said J. A. Bunker 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. A. Bunker deserted his command, or voluntarily abandoned his post of duty or the service during said war?

THE STATE OF TEXAS,

County of Smith
I, J. A. Bunker, 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.

J. A. Bunker
County Judge. Smith County Texas.
Mrs. Harriet Bunker
(Applicant) Attorney for Applicant.

In Re
Application for Confederate

Pension.

FOR USE OF SOLDIERS OR WIDOWS

Smith
County, Texas

Pending before the County Judge of said County

EX PARTE

Mrs. Harriet Bunker
Applicant.

Applicant.

INTERROGATORIES

propounded to

Witnesses.