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CONFEDERATE PENSION APPLICATION

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Endorsements Herein for Comptroller's Use Exclusively

FORM No. 2. *6648*

CONFEDERATE PENSION APPLICATION.

Name of Applicant, *M. C. Burton*

*Smith* County.

Post Office *Tyler*

Comptroller's File No. *6648*

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

*Approved*

this *15* day of *March*

A.D. *1900*

*W. J. Brown* Pension Clerk.

I hereby *approve* the within application for pension, this *15* day of *March*

A.D. *1900*

*W. J. Brown* Comptroller.

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

MAYERICK-CLARKE LITHO CO., SAN ANTONIO.

COMPTROLLER'S OFFICE  
RECEIVED  
MAR 5 1900  
Referred to  
No.

Compliments of  
East Texas Genealogical Society  
www.rootsweb.com/~txetgs

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. M. C. Burton respectfully represents that she is a resident citizen of Smith County, in the State of Texas, that she is the widow of S. J. Burton 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 S. J. Burton 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 Mrs. M. C. Burton
- Q. What is your age? Answer 72 years past
- 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 15 years  
Tyler
- 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 None
- Q. What is your physical condition? Answer I have Rheumatism
- Q. What was the name of your deceased husband? Answer S. J. Burton
- 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 13 - 1840 - Ark.
- Q. What was the date of his death? Answer June 28 - 1874
- 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 "C"  
Merrill's Regt of Ark. Cavalry, 3 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 No



6648

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 None

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 No

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 March, 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) Mrs M C Burton

Sworn to and subscribed before me this 2 day of Nov. A. D. 1899

Geo. W. Cross  
County Judge Primit County, Texas.

(SEAL)

AFFIDAVIT OF WITNESSES.

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

THE STATE OF TEXAS,

COUNTY OF Primit } Before me, Geo. W. Cross

County Judge of Primit County, State of Texas, on this day personally appeared

G. W. Parsley and M. A. Parsley

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. M. C. Burton, applicant for a pension as the widow of

S. J. Burton, deceased, is in truth and fact the widow of the said

S. J. Burton, deceased; that they personally know that the said

S. J. Burton, 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. M. C. Burton, widow of the said

S. J. Burton, deceased, is unable to support herself by labor of any sort.

(Signature of Witness) G. W. Parsley

(Signature of Witness) M. A. Parsley

(Signature of Witness) \_\_\_\_\_

(Signature of Witness) \_\_\_\_\_

Sworn to and subscribed before me this 18 day of Nov. A. D. 1899

Geo. W. Cross  
County Judge Primit County, Texas.

(SEAL)

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

*18*

day of

*Nov.*

A. D.

*1899*

before me came on to be heard the application of

Mrs.

*M. C. Burton*

widow of

*S. J. Burton*

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

*Mrs. M. C. Burton*

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.

*M. C. Burton*

as widow of

*S. J. Burton*

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

*18*

day of

*Nov.*

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.

*M. C.*

*Burton*

widow of

*S. J. Burton*

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

*18*

day of

*Nov.*

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 Texas*

this

*18*

day of

*Nov.*

A. D.

*1899*

*W. B. Hargrove*

*G. A. Brown*

*D. J. Epperson*

*R. F. Crook*

(Signatures of Commissioners.)

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(SEAL)

# THE STATE OF TEXAS,

To any Clerk of a Court of Record having a Seal, and Notary Public, or any Commissioner of Deeds duly appointed under the Laws of this State, in and for the County of Armad State of Ark. GREETING:

WE HEREBY AUTHORIZE AND REQUIRE YOU, or either of you, to summon J. A. McDonald

J. A. McDonald a resident of your County to come before you forthwith, and that you then and there take their answers under oath to the attached copy of Interrogatories, and that you return the same without delay to the Clerk of the Court as herein provided:

1. That you reduce his 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 Smith County Court, of Smith County, Tyler 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 Smith County, in said State of Texas, before the County Judge of said County, entitled "Ex parte Mrs. M. C. Burton" applicant for Confederate pension."

HEREIN FAIL NOT, but make due return of this Writ.

Given under my hand and seal of office, at Tyler

this 6 day of Nov A. D. 1899.

Geo. W. Gross  
Co. Judge, Smith Co. Tex.

Clerk of the Smith County of TX

A 67.

File No. ....

IN THE COMMISSIONERS' COURT

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

Ex parte Mrs. M. C. Burton

COMMISSION

TO TAKE THE DEPOSITION OF

J. A. McDonald  
vs. J. P. Hester Gas M Wells

(NON-RESIDENT OF THE STATE OF TEXAS.)

Mrs. M. C. Burton

Applicant for Confederate Pension.

Issued the ..... day of

1

Clerk.

By ..... Deputy.

Filed the ..... day of

1

Clerk.

By ..... Deputy.

EX PARTE

Mrs. M. C. Burton  
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 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

J. A. McDonald and J. B. Shaver Gas M. Wells  
who reside in the County of Nevada 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 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. M. C. Burton

(Applicant,) Attorney for Applicant.

Direct Interrogatories to be Propounded to the Witness

J. A. McDonald & J. B. Shaver Gas M. Wells

- 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. C. Burton whose  
widow is an applicant for pension under Act of May 12, 1899?
- INT. 3. How long have you known the said J. C. Burton applicant for  
pension, and when and where did you first know him?
- INT. 4. Do you personally know that the said J. C. Burton 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 J. C. 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 the Confederate navy, then state:  
When? Where? And how long he so served?
- INT. 6. Do you further know that J. C. Burton, the said  
applicant for pension, is unable to support himself by labor of any sort?

CROSS INTERROGATORIES.

TO BE PROPOUNDED TO

J. A. McDonald & J. B. Shaver Gas M. Wells

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.

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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 S. J. Burton serving in the same company or regiment in which you say the said applicant, S. J. 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 sailor of the same name as said S. J. Burton 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? S. J. Burton

CROSS INT. 2. Are you positively certain that said S. J. Burton 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? S. J. Burton

CROSS INT. 4. Do know whether or not the said S. J. Burton 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.  
Mrs. M. C. Burton  
(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  
Mrs. M. C. Burton  
Applicant.

INTERROGATORIES  
PROPOUNDED TO  
J. A. McDonald  
J. H. ...  
WITNESSES.



The Depositions of J A McDaniel and  
Jas. M Wells taken on the 26 day of  
Jan 1900 between the hours of 8 o'clock  
A.M. and 6 o'clock P.M. at the office  
of J B Shers in the City of Prescott  
in the County of Nevada to be  
read as evidence in case of Mrs (TX)  
Martha B Burton applicant for a  
Confederate Pension in Commissioners  
Court in Smith County State of Texas

James M Wells being sworn states  
 my name is James M Wells  
 I reside in Nevada County State of  
 Arkansas am about 53 years old  
 my P.O. address is Prescott Nevada  
 County Arkansas  
 I personally knew S. J. Burton deceased  
 and his widow M C Burton the  
 applicant for a pension under act  
 May 12 1899 I <sup>do not</sup> know him  
 about him about 30 years  
 I first knew him in Clark County  
 Ark I personally knew him in  
 the Confederate States <sup>Army</sup> Ark he was a  
 Lieutenant of my Company Co. C,  
 Menzies Reg Ark Vol and that  
 he performed the duties of a soldier  
 and was surrendered at Camden  
 Ark said S. J. Burton served  
 in the Confederate Army 12 months  
 I know Mrs M C Burton his  
 widow is getting old and has no  
 income to support that I know of  
 I know no other soldier in the same Co or Reg  
 by name of S. J. Burton Jas M Wells  
 I am positively certain that S. J. Burton  
 is the identical person serving as testified by me  
 my answers are not based upon conjecture  
 and that S. J. Burton never deserted the Confederate  
 service

TX

J A McDaniel being sworn  
 states my name is J A McDaniel  
 I reside in Nevada County State  
 of Arkansas am 66 years  
 old my post office address  
 is Prescott Ark

I personally knew S J Burton  
 deceased

whose widow is an applicant for  
 Pension under act of may 12 1899

I knew about 40 years

I first knew him in Hempstead Co Ark

I personally knew that S J Burton  
 enlisted and was in the service of  
 the Confederate Army and performed  
 the duties of a soldier

I am not certain as to the company  
 but it was Merrells Regiment  
 Arkansas Vols, at Arkadelphia  
 Ark he served I think about  
 four years in Confederate Army  
 and that his widow Martha C  
 Burton has no income and is  
 old and unable to earn her support

I know <sup>no</sup> other soldier by  
 name of S J Burton in his  
 Co or Reg  
 I am positively certain that S J Burton is the person  
 serving as testified by me  
 my answers are not based upon conjecture  
 and that S J Burton never deserted the Confederate  
 service

(TX)

State of Arkansas }  
 County of Nevada }

I J. B. Shers a Notary Public within and for Nevada County do certify that the foregoing depositions of J. A. McDaniel & Jas. M. Wells was taken before and was read and subscribed to by them in my presence at the time and place in the caption the McDaniel & Wells having been first sworn by me that the evidence they should give in the action should be the truth the whole truth and nothing but the truth and this statement were reduced to writing by me in their presence neither party in person or by attorney being present at the Examination

Given under my hand this 26 day of Jan 1900  
 my Commission J. B. Shers, N.P.  
 Expires Nov 30 1902

