

29412-

DEAB FORM B.

Widow's Application for a Pension

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

Widow of Dr. N. Drake DRAKE
Name of Applicant.

Mrs. Kate C. Drake

Smith County.

Postoffice Byles

Filed Nov. 20-1914

Approved Wm. L. M. M.

Pension allowed from Dec. 1st 1914

Rejected

[Handwritten signature]

Commissioner of Pensions.

R. L. Steck, Printing, Bookbinding, Austin

[Handwritten initials]

REPRODUCED FROM THE
HOLDINGS OF THE
TEXAS STATE ARCHIVES

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East Texas Genealogical Society
www.etgs.org

FORM B

For Use of Widows of Soldiers Who Are In Indigent Circumstances

THE STATE OF TEXAS

County of Smith

I, Mrs. Kate A. Drake, do hereby make application to the Commissioner of Pensions for a pension, to be granted me under the Act passed by the ^{Third} ~~Thirty-first~~ Legislature of the State of Texas, and approved April 7, A. D. 1913, on the following grounds:

I am the widow of W. N. Drake, deceased, who departed this life on the 14 day of Jan, A. D. 1913, 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 15 day of Feb, A. D. 1872, in the county of Williamson, in the State of Tennessee.

My husband, the said W. N. Drake, 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 January 1, A. D. 1900, 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 \$300.00 per annum, nor do I own in my own right, nor does anyone hold in trust for my benefit or use, estate or property, either real, personal or mixed, either in fee or for life, of the value of one thousand dollars, exclusive of the home of the value of not over \$1,000.00; 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? 60
2. Where were you born? Murphy Co. Ala.
3. How long have you resided in the State of Texas? Jan 1888 - 26 yrs -
4. How long have you resided in the county of your present residence? And what is your postoffice address? Giles, Smith Co. 10 years
5. What was your husband's full name? Presley Newby Drake
6. What was the date of his death? Jan 18 1913
7. In what State was your husband's command originally organized? Huntsville, Ala.
8. How long did your husband serve? If known to you, give date of enlistment and discharge. 4 years
All during the war.
9. 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 time of service. Co. F, 4 Ala Regiment -
Infantry.

10. 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 time of service

Fourth Ala. Infantry. Person of Northern
Dignity. General Robert B. Lee's Command

11. Have you transferred to other any property of any kind for the purpose of becoming a beneficiary under this law? No.

TX

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

(Signature of Applicant) Mrs Kate A. Drake

Sworn to and subscribed before me, this 17th day of September A. D. 1914

Jesse F. Odom
County Judge Smith County, Texas.

[Seal.]

AFFIDAVIT OF WITNESSES

[Note.—There must be at least two creditable witnesses.]

THE STATE OF TEXAS }

County of Smith.

Before me, Jesse F. Odom, County Judge of Smith County,

State of Texas, on this day personally appeared W.H. Watson and D.R. Smith, 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. Kate A. Drake, applicant for a pension as the widow of P.N. Drake deceased, is in truth and fact the widow of P.N. Drake 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) W.H. Watson

(Signature of Witness) D.R. Smith

Sworn to and subscribed before me, this 28th day of September, A. D. 1914

Jesse F. Odom
County Judge Smith County, Texas.

[Seal.]

AFFIDAVIT OF WITNESSES

[Note.—There must be at least two creditable witnesses.]

THE STATE OF TEXAS }

County of Smith.

Before me, Jesse F. Odom, County Judge of Smith County,

State of Texas, on this day personally appeared W.H. Watson and D.R. Smith, 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 pension, and that they personally know that the said Mrs. Kate A. Drake has been a bona fide resident citizen of the State of Texas since prior to January 1, A. D. 1900, and that they have no interest in this claim.

(Signature of Witness) W.H. Watson

(Signature of Witness) D.R. Smith

Sworn to and subscribed before me, this 28th day of September, A. D. 1914

Jesse F. Odom
County Judge Smith County, Texas.

[Seal.]

Certificate of State and County Assessor.

1105-815-3m

I, H. B. Matthews, State and County Assessor in the County of Smith

State of Texas, do certify that Mrs. Kate A. Drake, 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-third Legislature, approved April 7, 1913, is charged on the tax rolls of said county with a homestead of the value of One Thousand Dollars, and of other property, real or personal, or both of the value of Two Hundred and Fifty Dollars.

Given under my hand, this 28th day of September, A. D. 1914



H. B. Matthews
State and County Assessor.

EX PARTE

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

P.N. Drake

Applicant for Confederate Pension.

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 Anderson Douglas W.H. Fariss and who reside in the County of Alabama 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 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 Smith and State of Texas, of which he is a bona fide resident.

P.N. Drake (Applicant) Attorney for Applicant.

Direct Interrogatories to be Propounded to the Witness

Anderson Douglas W. H. Fariss

- 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 P.N. Drake who is an applicant for pension under Act of March 26, 1909?
INT. 3. How long had you known the said P.N. Drake and when and where did you first know him?
INT. 4. Do you personally know that the said P.N. Drake 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 P.N. Drake 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 personally know that P.N. Drake 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 P.N. Drake 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 Anderson Douglas W.H. Fariss

CROSS INTERROGATORY 1. If, in answer to the foregoing direct interrogatories, you have stated that you personally know or did know said P.N. Drake 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 P.N. Drake 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 P.N. Drake serving in the same company or regiment, or special service in which you say the said P.N. Drake enlisted, if you have stated that said P.N. Drake 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 P.N. Drake
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 P.N. Drake
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 P.N. Drake
is the identical person serving as testified by you?

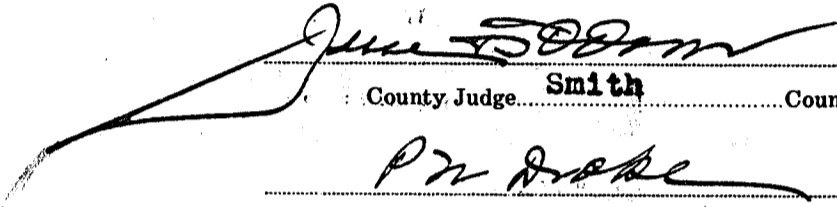
Cross INT. 3. Do you know whether or not the said P.N. Drake
served honorably from the date of his enlistment until the close of the late Civil War between the States, or until he
was discharged from said company and regiment, or the special service to which he had been assigned?

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

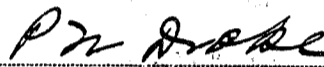
THE STATE OF TEXAS,

County of Smith

I, Jesse F. Odum, 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.



County Judge Smith County, Texas.



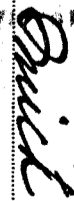
(Applicant) Attorney: for Applicant.

In Re

Application for Confederate

Pension

FOR USE OF SOLDIERS OR WIDOWS



County, Texas.

Pending before the County Judge of said County.

EX PARTE



Applicant.

INTERROGATORIES

propounded to

Witnesses.

EX PARTE

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

P.N. Drake

Applicant for Confederate Pension.

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.K. Kelly and Smith who reside in the County of Texas 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 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 Smith and State of Texas, of which he is a bona fide resident.

P. N. Drake

(Applicant) Attorney.....for Applicant.

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

J.K. Kelly

- 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 P.N. Drake who is an applicant for pension under Act of March 26, 1909?
- INT. 3. How long had you known the said P.N. Drake and when and where did you first know him?
- INT. 4. Do you personally know that the said P.N. Drake 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 P.N. Drake 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 personally know that P.N. Drake 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 P.N. Drake 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.

TX

To be Propounded to J.K. Kelly P.N. Drake

CROSS INTERROGATORY 1. If, in answer to the foregoing direct interrogatories, you have stated that you personally know or did know said P.N. Drake 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 P.N. Drake 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 P.N. Drake serving in the same company or regiment, or special service in which you say the said P.N. Drake enlisted, if you have stated that said P.N. Drake 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 P.N. Drake
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 P.N. Drake
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 P.N. Drake
is the identical person serving as testified by you?

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

THE STATE OF TEXAS,

County of Smith.

I, Jesse F. Odom, 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.

Jesse F. Odom
County Judge Smith County, Texas.

P. N. Drake
(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

P. N. Drake
Applicant.

INTERROGATORIES

propounded to

J. Kelly

Witnesses.

Blank

EX PARTE

IN RE APPLICANT FOR CONFEDERATE PENSION

P. N. Drake

Under Act March 26, 1909, pending

in Smith

Applicant for Confederate Pension.

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

Answers and depositions of (1) J. H. Kelly

~~to the accompanying interrogations (2) and cross-interrogatories~~

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

in accordance with the accompanying (7) agreement

To the first interrogatory the said J. H. Kelly my age is 75 years.

Witness, answers Speegleville Route #1 Texas.

To the second Interrogatory, he answers: Yes, have known him all his life

To the third Interrogatory, he answers: All his life, first knew him near huntsville Ala.

To the fourth Interrogatory, he answers: Yes.

To the fifth Interrogatory, he answers: He was in forth Ala. Infantry Co. "F" In 1860, at Huntsville, through whole war, He served whole four years.

To the sixth Interrogatory, he answers: He was not commissioned as I know of

To the seventh Interrogatory, he answers: He was never detailed for special service.

To the first Cross-interrogatory, he answers: Because I served with him There was no other soldier by the name of P. N. Drake

To the second Cross-interrogatory, he answers: There was no other boldier by that name. I am certain that P. N. Drake is the person who served with me.

To the third Cross-interrogatory, he answers: He served honorably all through the war.

To the fourth Cross-interrogatory, he answers: He never did.

TX

Witness sign here!

Subscribed and sworn to before me, this 6th day of Nov, 1917

Tom L. McCallough
County Judge McLennan Co Texas

THE STATE OF Texas
County of McLennan

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

do hereby certify that J.H. Kelly

and is personally known to me to be credible citizens of said
County and State, and that the foregoing answers of J.H. Kelly

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)

Given under my hand and official seal, this the 6th day of Nov, 1917

(L. S.)

Tom L. McCallough
County Judge McLennan 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.

Use this form
File No. _____
In Smith County, Texas,
Before the Honorable County Judge of said County.

EX PARTE

P. H. Drake
Applicant for Confederate Pension

DEPOSITION
OF

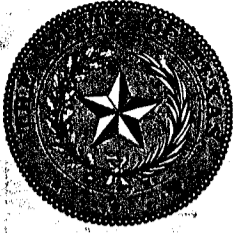
J.H. Kelly

Witness for Applicant.

Filed _____ day
of _____, 191____
By _____, Clerk.
_____ Deputy.

Fee for Taking Deposition, \$ _____

Von Boeckmann-Jones Co., Printers, Austin, Texas.



GEO. W. KYSER, COMMISSIONER

OFFICE OF
COMMISSIONER OF PENSIONS
STATE OF TEXAS
AUSTIN

To the Adjutant General,

War Department,

Washington, D. C.

Dear Sir:

I have the honor to request the military record of G. N. Drake who is reported to have enlisted in Company "F", Regiment 4th Ala Infantry Army of Northern Va, Col Lee Commander, in service of the Confederate States Army.

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

Very respectfully,



As.



Geo. W. Kyser

Commissioner of Pensions.

Received A.G.O., OCT 5 1914

29412



ADJUTANT GENERAL'S OFFICE
2216233
WAR DEPARTMENT.

2216233 WAR DEPARTMENT,

THE ADJUTANT GENERAL'S OFFICE,

WASHINGTON, October 7, 1914.

Respectfully returned to the

Commissioner of Pensions,
State of Texas,
Austin.

The Confederate records show that one Presley N. Drake (name not found as P. N. Drake), private, Co. F, 4th Alabama Infantry, C. S. A., enlisted April 26, 1861. On the roll of the company for Jan. and Feb., 1865 (last roll on file), he was reported absent, "prisoner of war." The Union records of prisoners of war show that he was captured May 6, 1864, at Spotsylvania Court House, and transferred August 15, 1864, to Elmira, N. Y. No later record of him has been found.

R. P. McLean
The Adjutant General.

APPLICATION FOR MORTUARY WARRANT

THE STATE OF TEXAS,

County of Rauferman } I, Mrs Mary A Children

do hereby certify that I am the person to whom is entrusted the paying of the accounts and indebtedness of the late Mrs Kate A. Drake, who was a pensioner of the State of Texas, and whose file number was 29412 and whose original county was Smith

The said pensioner Mrs Kate A Drake, died on the 19th day of Dec, 1929 in the town of Smuel

County of Rauferman, Texas.

The pensioner died in the home of Smuel State Hospital who was related to the pensioner as _____

That the warrant, which application is hereby made for, shall be applied to paying all or part of the funeral expenses incurred by the said pensioner Mrs Kate A Drake

I further certify that the warrant for the current quarter has not been cashed by the pensioner, to the best of my knowledge and belief.

I am related to the pensioner as (Friend) Friend that my postoffice address is 403 Smt

Smuel Street or R. F. D. Tex City State

Signed Mary A. Children

Sworn to before me this 2nd day of Jan, 1930

John W. Clayton
Notary Public in and for Rauferman State of Texas.

CERTIFICATE OF UNDERTAKER

I, J. M. Clayton, do certify that I am undertaker in the town of Smuel County of Rauferman, State of Texas that I had charge of the body of Mrs Kate A Drake, who died in the town of Smuel, County of Rauferman, State of Texas on the 19th day of Dec, 1929 That said body was prepared for burial by me on the 19th day of Dec, 1929, and that I am of the opinion that warrant herein applied for should be issued to the said Mrs Mary A Children who makes the foregoing application.

Signed J. M. Clayton Undertaker.

CERTIFICATE OF PHYSICIAN

I, R. W. P. P., do certify that I am a practicing physician, and that I attended Mrs Kate A Drake in his last illness, and am of the opinion that his ailments were arteriosclerosis (curable)

(T)

I further certify that I am of the opinion that the Mortuary Warrant above requested should be issued in the name of the aforementioned applicant, in accordance with Act passed by the Thirty-eighth Legislature and approved March 2, 1923.

Signed R. W. P. P. Physician's Address Texas, Texas

12-30-29

29412