

Paid

16606

FORM A

Soldier's Application for Pension

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

W. J. Rouse
1-5-29

Name of Applicant.

W. J. Rouse

Smith

County

Postoffice.

Tyler

Filed.....

AUG 3 1909

Approved.....

Pension allowed from.....

Rejected.....

Commissioner of Pensions.

VON BOECKMANN-JONES CO., PRINTERS, AUSTIN

FORM A

For use of Soldiers, who are in indigent circumstances

THE STATE OF TEXAS }
 County of Smith }

I, H. J. Duke, 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 I enlisted and served in the Confederate war. And I did not desert the Confederate service. I was loyal and true to my duty. I did not abandon my post of duty. I was honorable discharged (Give date and cause.) May 1865. The close of the war.

that I have been a bona fide citizen of this State since prior to January 1, A. D. 1880, and have been continuously since a citizen of the State of Texas. 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? 43 years
2. Where were you born? Alabama
3. How long have you resided in Texas? 39 years
4. In what county do you reside? Smith
5. How long have you resided in said county and what is your postoffice address? 3 years
Post Office, Tyler, Tex. Route 7.
6. Have you applied for a pension under the Confederate pension law and been rejected? If rejected, state when and where. no I have not
7. What is your occupation, if able to engage in one? unable to engage in any
8. In what State was the command in which you served organized? Alabama
9. How long did you serve? Give, if possible, the date of enlistment and discharge. 15 months May 1865
Feb 1864
10. What was the letter of your company, number or name of battalion, regiment or battery? Company A. 23 Alabama regiment (TX)
11. If transferred from one command to another, give time of transfer, name of command and time of service. I was not transferred.
12. What branch of the service did you enlist in—infantry, cavalry, artillery or navy? infantry

13. If commissioned direct by the President, what was your rank and line of duty? *a private soldier, marching or in battle or on guard.*

14. If detailed for special service, under the law of conscription, what was the nature of your service and how long did you serve?

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)

Sworn to and subscribed before me, this *1st* day of *Aug*, A. D. 19*09*

[SEAL.]

H. J. Duke
County Judge *Smith* County, Texas.

AFFIDAVIT OF WITNESSES

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

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 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 has been a bona fide resident citizen of the State of Texas since prior to January 1, A. D. 1880, and that they have no interest in this claim.

(Signature of Witness)

(Signature of Witness)

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

[SEAL.]

County Judge County, Texas.

AFFIDAVIT OF WITNESSES

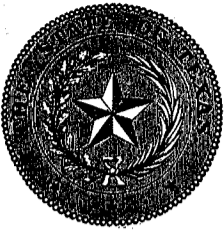
(If possible, the two witnesses should have served with the applicant in the army, and, if so, let them, or either, state it in their oath, their source of knowledge; also any information regarding applicant's army service.)

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 citizens, 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.

VON BOECKMANN-JONES CO., AUSTIN, TEXAS.

896-809-2m



OFFICE OF
Commissioner of Pensions

State of Texas

Austin AUG 28 1909

E. A. BOLMES, Commissioner

To the Adjutant General,

War Department,

Washington, D. C.

Dear Sir:

I have the honor to request the military record
of H. J. Duke who is reported to have enlisted in
Company A, Regiment 23rd Alabama Infantry
in the service of the Confederate States Army.

Purpose: 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.



16606

ADJUTANT GENERAL'S OFFICE
1561151
WAR DEPARTMENT
1909

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

1561151

WAR DEPARTMENT,

THE ADJUTANT GENERAL'S OFFICE,

WASHINGTON, September 1, 1909.

Respectfully returned to the

Commissioner of Pensions,
State of Texas,
Austin.

The name H. J. Duke has not been found on the rolls, on file in this office, of any company of the 23d Alabama Infantry, Confederate States Army. The records show, however, that Henry Duke (name H. J. Duke not found), private, Company F, 23d Battalion Alabama Sharpshooters, Confederate States Army, enlisted November 3, 1863. On the roll of the company for January and February, 1865 (last roll on file), he is reported absent, left sick at Morris-town, Tennessee, January 26, 1864. No later record of him has been found.

J. M. ...
The Adjutant General.

BOND

This BOND must be sworn to by the owner of the original warrant, and also signed by the owner and two sureties before it will be approved and duplicate warrant issued.

THE STATE OF TEXAS,

County of Tanola

Before me, the undersigned authority, on this day personally appeared W. J. Duke, who, after being by me duly sworn on oath, says that he is the true owner of Confederate Pension Warrant No. 27421 for the sum of \$2400 Dollars, drawn by the Comptroller of the State of Texas, on May 31st, in favor of H. J. Duke, and that the same is in fact lost or destroyed, or has not been received.

(Seal)

H. J. Duke
Owner of Warrant.

Sworn to and subscribed before me this the 15th day of July, 1921

Chappelow; Notary Pub.
for Parson Co., Texas.

THE STATE OF TEXAS,

County of Tanola

KNOW ALL MEN BY THESE PRESENTS, That we, W. J. Duke, as principal, and J. W. Hodges and J. M. Byrd, as sureties, are held and bound unto W. K. Hoyle, Governor of the State of Texas, and his successors in office, in the sum of \$2800 Dollars, for the payment of which sum, well and truly to be made, we do bind ourselves, our heirs, executors and administrators, jointly and severally.

Whereas, the above named principal has filed with the Comptroller his affidavit, stating that he is the true owner of said Confederate Pension Warrant, drawn by the Comptroller of the State of Texas, on the date shown in the above affidavit, in favor of said payee, and that the same is in fact lost or destroyed; and

Whereas, duplicate of said Confederate Pension Warrant, in favor of the original payee, will be issued;

Now, therefore, the condition of the above obligation is such that the owner of said warrant will hold the State harmless and return to the Comptroller, upon demand being made therefor, such duplicate or copies, or the amount of money named therein, together with all costs that may accrue against the State, on collecting the same.

Given under our hands, this 15th day of July, A. D. 1921

H. J. Duke Principal.
J. W. Hodges Surety.
J. M. Byrd Surety.

Approved 19 day of July, 1921

Lon A. Smith Comptroller.

County Smith (Orig.)

Number 16606

Address R. F. D. _____ Street: _____
Garfield, Texas.
(City or Town)

Subscribed and sworn to before me, this 16 day of Aug, 1909

James Sprick
County of Banger

THE STATE OF Texas
County of Banger

I, James Sprick
(Here give name and official character of officer before whom taken.)
L. Duke & David Duke

do hereby certify that

L. Duke are personally known to me to be credible citizens of said County and State, and that the foregoing answers of

Duke the witness before named, and David whose name appear signed to the foregoing deposition, were made before me

and were sworn to and subscribed before me, by said witness (4) L & D. Duke

Given under my hand and official seal, this the 16 day of Aug, 1909

(L. S.)

James Sprick
County of Banger

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.

Paid

File No. _____
In Banger County, Texas,
Before the Honorable County Judge of said County.

EX PARTE

A. Duke
Applicant for Confederate Pension

DEPOSITION
OF

Louise & David Duke

Witness for Applicant

Filed _____ day
of _____ 190 _____

Clerk.
By _____ Deputy.

Fee for Taking Deposition, \$ _____

Lined area for deposition text.

TX

- (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.

EX PARTE

IN RE APPLICANT FOR CONFEDERATE PENSION

Under Act March 26, 1909, pending

H. J. Duke

Smith

Applicant for Confederate Pension.

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

Answers and depositions of (1)

L. Duke & David Duke

to the accompanying interrogations (2)

H. J. Duke

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

James Sprick Judge

in accordance with the accompanying (7)

agreement

To the first interrogatory the said

L. Duke

Witness, answers

L. Duke, 67 yrs. - Van Buren Co

Ans 2. Int. I know H. J. Duke, - he is my brother

Ans 3. Int. 63 years, in Ala

Ans 4. Int. Yes

Ans 5. Int. Co. A. 23rd Ala. He served from

first part of 1864 - till close of war,

and 8th yrs know he has resided in Ala for 39 years

First Int. I never knew any other soldiers by the

name of L. Duke

2nd Int. I presume that he is the L. Duke applying

for pension.

3rd Int. He never deserted.

To the first Int. - David Duke answers,

"David Duke - 57 yrs. - Van Buren Co"

To 2nd Int. I know H. J. Duke. He is

my brother, I have known him all my life - (TX)

To the 3rd Int. - Yes

To the 4th Int. - Co. A. 23rd Ala. First part

1864 - to Close of War.

To the 6th Qtr No

To the 7th Qtr No

To the 8th Qtr Yes. for 39 years

To the first X — I never knew any other soldier
by the name of H. D. Dake

To the 2nd X — I am positive as to the
brother's testimony about. He is my
brother

To the 3rd X — I do,

To the 4th X — I know that he never deserted

L. Dake

David Dake

EX PARTE

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

H J Duke
Applicant for Confederate Pension.

The Honorable County Judge of Smit 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 Louisa Duke and David Duke who reside in the County of Van Javal 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 her 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 Smit and State of Texas, of which she is a bona fide resident.

H J Duke
(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 H J Duke whose widow is an applicant for pension under Act of March 26, 1909?
- INT. 3. How long had you known the said H J Duke and when and where did you first know him?
- INT. 4. Do you personally know that the said H J Duke 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 H J Duke 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 H J Duke 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 H J Duke 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?

Int 8 - Do you know H J Duke has resided in Tex since Jan 1st 1880?

CROSS INTERROGATORIES.

To be Propounded to L & S Duke



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

Cross INT. 3. Do you know whether or not the said HJ Duke
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 HJ Duke
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. Brown, 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. Brown
County Judge, Smith County, Texas.

HJ Duke
(Applicant) Attorney for Applicant.

In Re

Application for Confederate Pension.

FOR USE OF WIDOWS.

Smith County, Texas.

Pending before the County Judge of said County.

EX PARTE
HJ Duke
Applicant.

INTERROGATORIES
propounded to
HJ Duke

Witnesses.

MCCORD & BULLOCH,
ATTORNEYS-AT-LAW,
TYLER, TEXAS.

F. J. MCCORD
J. A. BULLOCH

August 20, 1909.

Hon. E. A. Bolmes,
Austin, Texas.

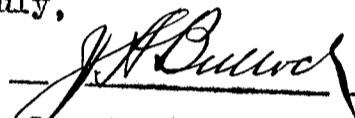
Dear Sir:

I am handing you the application of Mr. H. J. Duke for Confederate pension. You will notice that his residence in the state is proven by deposition; he having no witness in this county who knew that fact.

I call your attention to this, so that you may not overlook the fact that proof has been made that he has resided in Texas the required length of time.

Yours truly,




County Judge, Smith Co.

H.A. Duke
2203 Cedar St

APPLICATION FOR MORTUARY WARRANT

THE STATE OF TEXAS,

County of Dallas

do hereby certify that I am the person to whom is entrusted the paying of the accounts and indebtedness of the late Henry Jasper Duke, who was a pensioner of the State of Texas, and whose file number was 16606 and whose original county was Smith

The said pensioner Henry Jasper Duke, died on the 21 day of Dec, 1928, in the town of Dallas, County of Dallas, Texas.

The pensioner died in the home of H.A. Duke who was related to the pensioner as son

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 Henry Jasper Duke.

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) son

My postoffice address is 9 Loudermilk Sparkman's bldg, Dallas City, Texas State

Signed H.A. Duke, son, 1928

RETURNED FOR NOTARY SEAL

Sworn to before me this 3 day of Dec, 1928

Notary Public in and for Dallas Co. State of Texas.

CERTIFICATE OF UNDERTAKER

I, Hal C. Sparkman, do certify that I am undertaker in the town of Dallas, County of Dallas, State of Texas that I had charge of the body of Henry Jasper Duke, who died in the town of Dallas, County of Dallas, State of Texas on the 21 day of Dec, 1928. That said body was prepared for burial by me on the 21st day of Dec, 1928, and that I am of the opinion that warrant herein applied for should be issued to the said H.A. Duke who makes the foregoing application.

Signed Hal C. Sparkman, Loudermilk Sparkman's bldg Undertaker

CERTIFICATE OF PHYSICIAN

I, J.J. Smith, do certify that I am a practicing physician, and that I attended H.A. Duke in his last illness, and am of the opinion that his ailments were pneumonia

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 J.J. Smith, Physician's Address 4702 Myrtle Dallas Tex

(TX)

Must return before 40 days expires from date of Pensioners' death

16606
Dr. J.J. Smith
1-2-29 4702 Myrtle.

[Faint, mostly illegible text and markings, possibly including a signature or handwritten notes.]

COMPTROLLERS OFFICE
RECEIVED
JAN 5 1909
Referred To _____
No. _____

GENERAL OFFICE
RECEIVED
JAN 8 1909

11