

26898-

FORM A.

Soldier's Application for a Pension

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

[Signature]

7-30-25

Name of Applicant.

L. M. Duke

Smith

County.

Postoffice

Swan Texas

Filed

Mar. 20th 1914

Approved

Jan. Dec. 29th

Pension allowed from

Mar. 1st 1914

Rejected

George Kysel

Commissioner of Pensions.

Commissioner of Pensions
E. L. Steck, Printing, Bookbinding, Austin

[Signature]

FORM A

For Use of Soldiers Who Are In Indigent Circumstances

THE STATE OF TEXAS }

County of Smith.

I, L.W. Duke do hereby make application to the Commissioner of Pensions for a pension to be granted me under the Act passed by the 53rd Legislature of the State of Texas, and approved April 7, 1913, 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; or (that I was in the service of the State of Texas during the war, to protect said State against the Indians and Mexicans for more than 6 months). That I was honorably discharged or surrendered Was captured before close of war, and was a prisoner at close of war; took oath of allegiance after close of war and was discharged;

(Give date and cause.)

that I have been a bona fide citizen of this State 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 hold any National, State, city or county office which pays me a salary or fees of \$300.00 per annum, nor have I an income from any other employment or other source whatever which amounts to \$300.00 per annum, nor do I 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 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, exclusive of a home of the value of not more than \$1000.00; 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? 71 years old.
2. Where were you born? Alabama.
3. How long have you resided in Texas? 31 years.
4. In what county do you reside? Smith.
5. How long have you resided in said county, and what is your postoffice address?
10 years. Swan, Texas.
6. Have you applied for a pension under the Confederate pension law and been rejected? If rejected, state when and where. No.
7. What is your occupation, if able to engage in one? Minister What is your physical condition? Fair
8. In what State was the command in which you served organized? Alabama. TX
9. How long did you serve? Give, if possible, the date of enlistment and discharge. Enlisted May 7th 1861 and was discharged in June 1865. Served four years.
10. What was the letter of your company, number of battalion, regiment or battery?
Company C, 5th Alabama Regiment.
11. If transferred from one command to another, give time of transfer, name of command and time of service
Never 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?.....

Was not.

14. If detailed for special service, under the law of conscription, what was the nature of your service and how long did you serve?..... Was not

15. What is the assessed value of your home, if you own a home?..... \$350.00

16. What is the assessed value of your other property?..... \$90.00

17. 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 a pension be approved and such other proceedings be had in the premises as are required by law.

(Signature of Applicant) *L.W. Duke*

Sworn to and subscribed before me, this *10th* day of *March*, A. D. 19*14*

[Seal.]

Jesse F. Odom
County Judge *Smith* County, Texas.

AFFIDAVIT OF WITNESSES

[Note.]—There must be at least two credible 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 *Jno. Holland & Mrs. Jno. Holland*, who are personally known to me to be credible citizens, who, being by me duly sworn, on oath state that they personally know.....

L.W. Duke, the above named applicant for a pension, and that they personally know that the said *L.W. Duke* 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 his claim

(Signature of Witness) *John Hollaud*

(Signature of Witness) *Mrs Jno Holland*

Sworn to and subscribed before me, this *19th* day of *March*, A. D. 19*14*

[Seal.]

Jesse F. Odom
County Judge *Smith* 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 *Smith.*

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

State of Texas, on this day personally appeared *J.C. Reynolds & F.S. Zachary* who are personally known to me to be credible citizens, who being by me sworn, on oath state that they are per-

sonally acquainted with the foregoing applicant, and that the facts set forth and statements made in his application are correct and true, to the best of their knowledge and belief, and that they have no interest in his claim, and said applicant's habits are good and free from dishonor. And.....further make oath to the following facts touching the applicant's service in the Confederate Army: (State fully your source of knowledge.)

J.C.Reynolds states that he was a member of the same Brigade as the applicant;that affiant belonged to Company F,6th Alabama Regiment;that he knows that applicant enlisted and served in the Confederate Army as claimed by him;that applicant was a member of 5th Ala.Regiment;
F.S.Zachary states that he was a member of Company F,12th Ala. Regiment,in the same Brigade with applicant,and knows that the applicant enlisted and served as a Confederate Soldier; that applicant was a member of the 5th Ala.Regiment;

(Signature of Witness) *F.S. Zachary*
(Signature of Witness) *J.C. Reynolds*

Sworn to and subscribed before me, this *10th* day of *March* A. D. 19*14*

[Seal.] *Gene T. Brown*
County Judge *Smith* County, Texas.

CERTIFICATE OF STATE AND COUNTY ASSESSOR

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

State of Texas, do certify that L.W. Duke, 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 \$350 Dollars, and of other property, real or personal, or both of the value of \$90.00 Dollars.

Given under my hand, this 11 day of Mar A. D. 19*14*

H.B. Matthews
State and County Assessor. TX
By Wmst. Day
Officer Deputy

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 Cameron

Before me, the undersigned authority, on this day personally appeared L. W. Duke, who, after being by me duly sworn on oath, says that he is the true owner of Confederate Pension Warrant No. 10858 for the sum of \$25.00 Dollars, drawn by the Comptroller of the State of Texas, on _____, in favor of L. W. Duke, and that the same is in fact lost or destroyed, or has not been received.

(Seal) x L. W. Duke
Owner of Warrant.

Sworn to and subscribed before me this the 22nd day of December, 1922

L. E. Stanley, Notary Public
in and for Cameron Co., Texas.

THE STATE OF TEXAS,

County of Cameron

KNOW ALL MEN BY THESE PRESENTS, That we, L. W. Duke, as principal, and J. J. Lauderdale and A. B. Marchbanks, as sureties, are held and bound unto W. P. HOBBY, Governor of the State of Texas, and his successors in office, in the sum of \$50.00 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 an 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 22nd day of December, A. D. 1922

x L. W. Duke Principal.
J. J. Lauderdale Surety.
A. B. Marchbanks Surety.

Approved 27 day of Dec, 1922

Lon A. Smith
Comptroller.



County Smith

Number 26898

Address R. F. D. San Antonio Blvd Street.
San Benito, Texas.
(City or Town)

(1914-1915)

EXHIBIT

WILSON B. W. W.

EXHIBIT

EXHIBIT

EXHIBIT

COMMISSION

EXHIBIT

EXHIBIT

EXHIBIT

RECORDED
DEC 27 1922

(1914)

EXHIBIT

(1914)

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 Mclennan

Before me, the undersigned authority, on this day personally appeared L. W. Duke, who, after being by me duly sworn on oath, says that he is the true owner of Confederate Pension Warrant No. 37746 for the sum of Thirty-seven Dollars, drawn by the Comptroller of the State of Texas, on May 31, in favor of L. W. Duke, and that the same is in fact lost or destroyed, or has not been received.

(Seal)

L. W. Duke
Owner of Warrant.

Sworn to and subscribed before me this the 22 day of June, 1925

J. R. Smith
Notary for Mclennan Co., Texas.

THE STATE OF TEXAS,

County of _____

KNOW ALL MEN BY THESE PRESENTS, That we, L. W. Duke, as principal, and C. A. Nabors, J. M. Lewis, and E. L. Duke, as sureties, Miriam A. Ferguson are held and bound unto W. P. Hobbs, Governor of the State of Texas, and his successors in office, in the sum of Seventy-four 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 he 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 22 day of June, A. D. 1925

L. W. Duke Principal.
C. A. Nabors Surety.

J. M. Lewis Surety.
E. L. Duke

Approved 23 day of June, 1925

S. H. Terrell Comptroller. (TX)

County Smith

Number 26898

Address R. F. D. 316 Preston Street.

Waco, Texas.
(City or Town)

EXECUTE AND RETURN THIS BOND AND
DUPLICATE WARRANT WILL BE ISSUED.

26898

State of Texas, County of ...
I, the undersigned, Clerk of the County of ...
do hereby certify that the within and foregoing ...
has been duly returned to me by the ...
as indicated and ...
KNOW ALL MEN BY THESE PRESENTS, that the ...
County of ...
THE STATE OF TEXAS

Sworn to and subscribed before me this the ... day of ... 1867
Notary Public for the County of ... State of Texas
J. M. ...
Clerk of the County of ...

State of Texas, on ... day of ... in favor of ...
and that ...
for the sum of ... Dollars given by the Comptroller of the ...
who after being by me duly sworn on oath says that ... is the true owner of Confederate Pension No. ...
Before me the undersigned authority on this day personally appeared ...

County of ...
THE STATE OF TEXAS
Notary Public for the County of ... State of Texas
J. M. ...

...

EX-PARTE

L.W.Duke
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 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 **Capt. T.M. Riley**
and who reside..... in the County
of..... in the State 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 cannot be proven by any witness..... residing in the County
of **Smith** and State of Texas, which **he** is ~~abona~~ ^{abona} fide resident.

[Signature]
(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 **L.W.Duke** who
..... is an applicant for pension under Act of March 26, 1909?
- INT. 3. How long had you known the said **L.W.Duke**
and when and where did you first know him?
- INT. 4. Do you personally know that the said **L.W.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 **L.W.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 **L.W.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 know further if **L.W.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?

CROSS INTERROGATORIES

TX

To be propounded to **T.M. Riley**

CROSS INTERROGATORY 1. If, in answer to the foregoing direct interrogatories, you have stated that you person-
ally know or did know said **L.W.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 **L.W.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 knew of any other soldier or
sailor by the name of **L.W.Duke** serving in the same company or regiment, or special
service in which you say the said **L.W.Duke** enlisted, if you have stated that said
L.W.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 L.W. Duke applicant serving in the same command, or the special service to which he was assigned?

If you say that you know other soldiers or sailors of the same name of L.W. 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 L.W. Duke is the identical person serving as testified by you?

CROSS INT. 3. Do you know whether or not the said L.W. 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 L.W. 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, 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.

L. W. Duke
(Applicant) Attorney.....for Appellant.

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

L. W. Duke
Applicant.

INTERROGATORIES

propounded to

J. M. Riley

Witnesses.

EX PARTE

IN RE APPLICANT FOR CONFEDERATE PENSION

Under Act March 26, 1909, pending.....

L.W.Duke

in Smith

Applicant for Confederate Pension.

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

Answers and depositions of (1) T.M.Riley, age 74, Riley, Alabama

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 T.M.Riley

Witness, answers

To the 2nd Int., he answers: Yes.

To the 3rd Int., he answers: First seen from when enlisted in March or April 1861

To the 4th Int., he answers: Yes

To the 5th Int., he answers: He enlisted in Co. "D" (afterward Co. "C") 5th Ala Reg. Was mustered into service at Pensacola Florida in May 1861, first for 12 months and afterward for 4 years. and served till the close of the war.

To the 6th Int., he answers: Was never commissioned by the President of the Confederate States, Was a corporal from April 27 1862 till close of war

To the 7th Int., he answers: He was not detailed for any kind of special service

To the 1st Cross-Int., he answers: I was Captain of the Company in which he served, I know of no other soldiers of the same name serving in same command

To the 2nd Cross-Int., he answers: I am.

To the 3rd Cross-Int., he answers: He served honorably throughout the entire war.

To the 4th Cross-Int., he answers: He did not desert, nor did he abandon voluntarily his post of duty or the service during the 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.

APPLICATION FOR MORTUARY WARRANT

STATE OF TEXAS, County of McLennan } I, Mrs. L. W. Duke do hereby certify that I am the person to whom is entrusted the paying of the accounts and indebtedness of the late L. W. Duke, who was a pensioner of the State of Texas, and whose file number was 26898, and whose original county was Smith. The said pensioner L. W. Duke, died on the 26th day of July, 1925, in the town of Waco, County of McLennan, Texas.

The pensioner died in the home of his own 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 expenses incurred by the said pensioner L. W. 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) wife that my postoffice address is 2310 Reuter Street Waco, Texas

Sworn to before me this 28th day of July, 1925 Signed Mrs. L. W. Duke Ruby Percy Notary Public in and for McLennan State of Texas.

CERTIFICATE OF UNDERTAKER

I, Reed Compton, do certify that I am undertaker in the town of Waco, County of McLennan, State of Texas that I had charge of the body of L. W. Duke, who died in the town of Waco, County of McLennan, State of Texas on the 26th day of July, 1925. That said body was prepared for burial by me on the 26th day of July, 1925, and that I am of the opinion that warrant herein applied for should be issued to the said Mr. L. W. Duke who makes the foregoing application.

Signed Reed Compton Undertaker.

CERTIFICATE OF PHYSICIAN

I, W. A. Wood, do certify that I am a practicing physician, and that I attended Rev. L. W. Duke in his last illness, and am of the opinion that his ailments were Apoplexy



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 W. A. Wood Physician's Address 1109 Avenue Waco, Tex