

49784

FORM A.

23

SOLDIER'S APPLICATION FOR A PENSION

Lead

2-1-40

The Comptroller of Public Accounts reserves the right to call for additional testimony if he deems it necessary.

Name of Applicant.

James Samuel Duncan,

Smith County.

R. F. D. ~~by Street~~ No. 9

Postoffice Tyler, Texas.

Filed May 23rd, 1931.

Approved June 4th, 1931.

Pension allowed from July 1st, 1931.

Rejected

Geo. H. Sheppard
Comptroller of Public Accounts.

THE S. L. STARR CO., AUSTIN

Compliments of
East Texas Genealogical Society
www.etgs.org

Soldier's Application for Confederate Pension

THE STATE OF TEXAS,

County of Smith

I, James Samuel Duncan, do hereby make application for a pension pursuant to the provisions of Articles 6204 to 6227, inclusive, of the Revised Civil Statutes of 1925, as amended by S. B. No. 27, passed by the Forty-first Legislature at its Fifth Called Session, and all other laws of this State relating thereto.

I served as a Confederate soldier (or sailor) in the war between the States of the United States; or (that I was a soldier who under special laws of the State of Texas during said war served in organizations for the protection of the frontier against Indian raiders or Mexican marauders); or (that I was a soldier of the militia of the State of Texas who was in active service during said war).

I served honorably from the date of my enlistment until the close of the war (or until I was discharged or paroled in some military organization regularly mustered into the army or navy of the Confederate States until the surrender). I was honorably discharged or surrendered.

April, 1865 - Ending of war
(Give date and cause.)

That I have been a bona fide resident of this State continuously since the 27 day of Apr A. D. 1888.

1. What is your age? 84

2. In what county do you reside? Smith

3. How long have you resided in said county? 43 years

4. What is your postoffice address? Mr. Rt 9 - Cross

5. Have you applied for a pension under the Confederate pension law and been rejected? no

6. If rejected, state when and where

7. In what State was the command in which you served organized? South Carolina

8. What was your postoffice address at the time of enlistment? Anderson SC

9. How long did you serve? Just few months

10. Give, if possible, the date of enlistment and discharge Jan or Feb 1865
to late part of Apr 1865

11. What was the letter of your company, number of battalion, regiment or battery? Company organized by Capt. Tom Russell

12. If transferred from one command to another, give time of transfer, name of command and time of service no transfer

13. What branch of the service did you enlist in—infantry, cavalry, artillery or navy? Infantry

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. (TX)

(Signature of Applicant) James Samuel Duncan

Sworn to and subscribed before me this 70 day of May A. D. 1931

[Seal]

County Judge Walter P. Kirby Smith County, Texas.

COMPTROLLER
George H. [unclear]

AFFIDAVIT OF WITNESSES

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

THE STATE OF TEXAS,

County of Smith

Before me,

Brady P. Tuttle

County Judge of

Smith

County,

State of Texas, on this day personally appeared

Mrs F Taylor

Wm Phillips, who are personally known to me to be creditable citizens, who, being by me duly sworn, on oath state that they personally know

James Samuel Duncan

the above named applicant for pension, and that they personally know that the said

James Samuel Duncan

has been a bona fide resident citizen of the State of Texas since

for 40 years

, and that they have no interest in this claim.

(Signature of Witness)

Mrs F. Taylor

(Signature of Witness)

Wm Phillips

Sworn to and subscribed before me, this

20

day of

May

A. D. 19

31

Brady P. Tuttle

[Seal.]

County Judge

Smith

County, Texas.

AFFIDAVIT OF WITNESSES

(If possible the one witness should have served with the applicant in the army, and if so, let him state in his oath his source of knowledge, also any other 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 is personally known to me to be a creditable citizen, who, being by me sworn, on oath states that (he or she) is personally 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 (he or she) has no interest in this 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: (Witnesses must state fully the source of their knowledge of applicant's service)



(Signature of Witness) _____

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

[Seal.]

County Judge _____ County, Texas.

FORM A.

SOLDIER'S APPLICATION FOR A PENSION

The Comptroller of Public Accounts reserves the right to call for additional testimony if he deems it necessary.

Name of Applicant.

J. J. Dineen
Smith County.

R. F. D. or Street No.

Postoffice *Swan, Texas*

Filed *Jan 31-1927*

Approved

Pension allowed from

Rejected *Jan. 12th 1928*

J. H. Gerrell
Comptroller of Public Accounts.

THE E. L. STEAK CO., AUSTIN

1-31-27

County of _____
THE STATE OF TEXAS
SIMLA SERVICE

Before me, _____ County Judge of _____ County State of Texas

(If I receive the two witnesses signed and sworn with the applicant in the field, and if the same or either of them state in their oath their source of knowledge also my information received in the field)

Soldier's Application for Confederate Pension

THE STATE OF TEXAS

County of Smith

I, J.S. Duncan do hereby make application to the Commissioner of Pensions for a pension to be granted me under the Act passed by the Thirty-third 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 the war I was loyal and true to my duty, and never at any time 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 At the close of the war in 1865.

(Give date and cause.)

that I have been a bona fide citizen of this State since prior to January 1, A. D. 1910, 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 \$2000.00; 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? 79 years of age on 7th of February 1927.
2. Where were you born? Anderson County South Carolina.
3. How long have you resided in Texas? 38 years.
4. In what county do you reside? Smith County Texas.
5. How long have you resided in said county? 38 years. What is your postoffice address? Swan, Smith County Texas.
6. Have you applied for a pension under the Confederate pension law and been rejected? No.
7. What is your occupation, if able to engage in one? Not working account of age. What is your physical condition? fair
8. In what State was the command in which you served organized? South Carolina.
9. How long did you serve? February to April 1865. Give if possible, the date of enlistment and discharge. Went into service in February 1865 and went out at close of war.
10. What was the letter of your company, number of battalion, regiment or battery? I was in Captain Tom Russell's Company. The first Lieutenant was John Whitfield. This was in the home guards of young men and old men, guarding at Tunnel Hill Gap South Carolina.
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. What is the assessed value of your home, if you own a home? \$1080.00
14. What is the assessed value of your other property? \$480.00
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 a pension be approved and such other proceedings be had in the premises as are required by law.

(Signature of Applicant) J.S. Duncan



Sworn to and subscribed before me, this 11th day of January A. D. 1927.

Louis Pace

County Judge Smith County, Texas.

[Seal]

119784

AFFIDAVIT OF WITNESSES

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

THE STATE OF TEXAS,
County of Smith

Before me, Will D. Pace, County Judge of Smith County,

State of Texas, on this day personally appeared T.C. Sikes and J.J. Pierce

, who are personally known to me to be creditable citizens, who, being by me duly sworn, on oath state that they personally know J.S. Duncan, the

above named applicant for pension, and that they personally know that the said J.S. Duncan

has been a bona fide resident citizen of the State of Texas since prior to January 1, A. D. 1910, and that they have no interest in this claim.

(Signature of Witness) [Handwritten Signature]

(Signature of Witness) Tom C Sikes

Sworn to and subscribed before me, this 11th day of January 1927, A. D. 192

Will D. Pace

[Seal.] 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 of them, state 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 creditable 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 and true, to the best of their knowledge and belief, and that they have no interest in this 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).....

.....
.....
.....
.....
.....
.....
.....
.....
.....
.....

(Signature of Witness).....

(Signature of Witness).....

Sworn to and subscribed before me, this..... day of....., A. D. 192.....

[Seal.] County Judge..... County, Texas.

CERTIFICATE OF STATE AND COUNTY ASSESSOR

I, H. H. Allen, State and County Assessor in the County of Smith State of Texas, do certify that J. S. Duncan, 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, and amended by Regular Session Thirty-eighth Legislature, is charged on the tax rolls of said county with a homestead of the value of Eleven Hundred Ten Dollars, and of other property, real or personal, or both, of the value of Four Hundred Eighty Dollars.

Given under my hand, this 28 day of January A. D. 192 7
H. H. Allen
State and County Assessor.

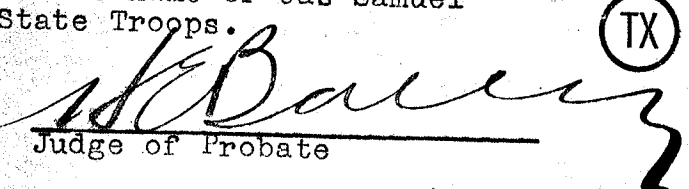


H. E. BAILEY
JUDGE OF PROBATE
ANDERSON, S. C.

April 8, 1931

To whom it may concern:

This is to certify that the roll of Confederate
Soldiers in this county shows the name of Jas Samuel
Duncan, a private Infantry, State Troops.



Judge of Probate

TX

WAR DEPARTMENT

THE ADJUTANT GENERAL'S OFFICE

WASHINGTON April 11, 1931.

IN REPLY REFER TO ORD

Respectfully returned to

Hon. Brady P. Gent, County Judge,
Smith County,
Tyler, Texas.

*Letter written
Judge - address
on 1/26/31*

The records show that one Thomas H. Russell served as Captain of Company A, 1st Regiment South Carolina State Troops, (6 months, '63-'64.), but the name James Samuel, J. Sam, J. Samuel, Samuel or Sam, Duncan has not been found on the muster rolls on file in this office of that Company, which cover the period from September 12, 1863, to December 31, 1863., and no record has been found of the service capture or parole of a man of that name as of that organization.

Other officers mentioned have not been identified.

The records show that men named S. Duncan, or James Duncan served in various Confederate States Army organization from the State of South Carolina, none of whom from the data furnished have been identified as the man whose record of service is desired.

Not identified as of Federal Troops.

C. A. Bridger
Major General,
The Adjutant General.
By *JBA*



49784



Comptroller's Department
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 J. S. Duncan, who is
reported to have enlisted in Company Capt. Tom. Russell's
Regiment South Carolina Infantry.

RECEIVED
FEB 3 - 1927
RECORDS DIV.

in service in the Confederate States Army.

Very respectfully,

J. N. Purrell (TX)

Comptroller of State of Texas.

Form 2632b-S420-1124-1m.

Received A. G. O. FEB 13 1927

49784
1-31-27

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

WAR DEPARTMENT,
THE ADJUTANT GENERAL'S OFFICE,
WASHINGTON Feb. 5, 1927.

Respectfully returned to

Comptroller of State of Texas,
Austin, Texas.

The name J.S. Duncan has not been found on the rolls on file in this office of any S.C. Confederate States Army organization.

The records show, however, that one Joseph Duncan, pvt., Co. H, 1st S.C. State Troops, C.S.A. (also known as Russell's Co. S.C., Capt. Thomas H. Russell) enlisted Aug. 1st. 1863, at Greenville, and on muster roll for Nov. and Dec. 1863, (last on file) is shown present.

No record of capture, parole or later service has been found.

Robert C. Davis
Major General,
The Adjutant General.

By *A. J. H.*

FORM NO. 072-A. G. O.

Rebought to have enlisted in Company
I have the honor to return the military
Dept. Bill-

Robert C. Davis
A. J. H.

RECEIVED
FEB 10 1927

WASHINGTON, D. C.
WAR DEPARTMENT

State of South Carolina
 County of Anderson

Re: DUNCAN; James Samuel

Personally appeared William H. Hanna of Anderson County, S.C., and makes the following oath; that this deponent and James Samuel Duncan went ⁱⁿ to the service of the Confederate Army in the spring of 1864 from Anderson S.C., that we enlisted about the same time, we went from Anderson to Tunnell Hill, Oconee County S.C., we drilled ~~here~~ for a few months, the company was ordered to Charleston S.C., but I did not go on account of sickness but Duncan went along with the company, he served with Captain Thomas Russells' company. I saw Duncan after the war he lived around Anderson S.C., some years after the war, then he went to Texas, I havent seen him since.

This deponent is a confederate veteran and is now drawing a pension from the State of South Carolina.

W H Hanna

Sworn to and before me at
 Anderson S.C., this the 12th of
 May 1931

(TX)

H E Bailey
 Notary Public for South Carolina U.S.

State of South Carolina.)
County of Anderson.)

Personally appeared before me H.E.Bailey. Judge of Probate for and in the State and County aforesaid. W.H.Hanna, a citizen of the county of Anderson S.C. and known to me as a Confederate Veteran, as shown on the Roll of Honor of Confederate Veterans on file in my Office.

The said W.H.Hanna after being duly sworn, deposes and says, that he was a member of a Company of Reserves, known as the Palmetto Mounted Infantry, commanded by Captain Thomas Russell, with H.O.Herrick and John C.Whitfield as Lieutenants, and that J.Sam Duncan was also a member of said Company, doing military duty under the command and orders of the Confederate States Bureau of Enrollment, which was in charge of, and under the instructions of Captain B.B.McCreery, an Officer of the Confederate States Army, and in charge of the Enrollment Bureau thereof; at Anderson. S.C.

J.Sam Duncan and myself, with others of said company entered the service in the spring of 1864, and served until the latter days of April 1865 after the close of the war of 1861-1865.

Sworn to and subscribed before me, this Ninth day of January 1928.

W.H.Hanna
H.E.Bailey
Judge of Probate for Anderson County S.C.

(SEAL)



(1857)

Office of the Secretary of the State

Handwritten signatures and notes

State of Texas, County of ...

...

...

...

...

...

...

...

...

...

Reference
NO. 12
JAN 12 1858

STATE OF SOUTH CAROLINA.)
COUNTY OF ANDERSON.)

Personally came before me, W.H.Hanna, known to me as a citizen of the State and County aforesaid, and upon being sworn, deposes and says.

That he was personally acquainted with J.Samuel Duncan, formerly a citizen of the State and County aforesaid, from early childhood until he left the county for Texas.

That he and J.Samuel Dunvan were members of Captain Thomas. H.Russells Company of State Troops, and served in said Company until the close of the War 1861-1865, at which time, they were discharged and ordered to return to their homes.

That to the best of his knowledge, he is the only living member, who was in service in said Company, except the said J.Samuel Duncan, who he is informed, and believes is now a citizen of the State of Texas, and whose Post Office address is SWAN Texas.

That he is in no manner interested in making this affidavit except for the purpose of enabling the said J.Samuel Duncan in obtaining a Pension as a Confederate Veteran.

Sworn to and subscribed before me)
this the 24 day of January 1927.)

W.H. Hanna

J.B. Lewis



Notary Public for South Carolina.)
My Commission expires at the pleasure of the Governor of S.C.)

State of South Carolina.
County of Anderson.

This is to certify that W.H.Hanna and J.B.LEWIS, are each known to me as Confederate Veterans, and citizens of the County of Anderson, South Carolina, and that each of them are members of the Honor Roll of Confederate Veterans, and receive their annual Pensions through my Office.

H. B. Buller

Judge of Probate for Anderson
County. S.C.

Anderson S.C. January
24th, 1927.

December 6, 1927.

Hon. Wm. D. Pace,
County Judge,
Tyler, Texas.

Dear Judge Pace:

Replying to your letter of December 3rd,
in regard to the application for Confederate
Pension of J. S. Duncan of Swan, Texas.

You are advised that on January 31st, 1927
this Department wrote you a letter, a copy of same
going to Mr. Duncan, requesting certain proof of
Mr. Duncan regarding his military service. For your
information we are enclosing a copy of this letter.

We are also enclosing for your information
another copy of the opinion rendered by the Attorney
General's Department relative to the service of
veterans in the State troops or home guard of States
other than Texas.

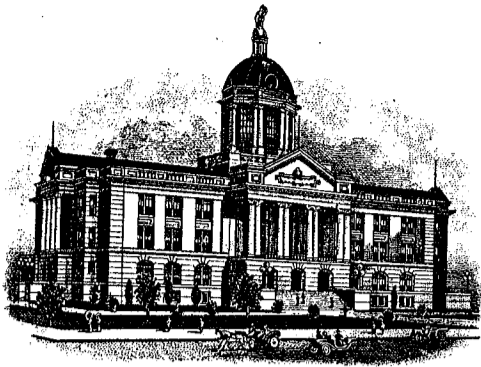
We feel this will give you the information
you are asking for, and if Mr. Duncan can meet
the requirements of the statutes with reference to
proof of his military service as a Confederate Sol-
dier then his application will receive further con-
sideration.

JHT/E
encl.

Yours very truly,

Comptroller of Public Accounts.





J. R. WARREN, DISTRICT JUDGE
WILL D. PACE, COUNTY JUDGE
E. S. GOENS, COUNTY ATTORNEY
ALBERT BROWN, COUNTY CLERK

W. G. RUSSELL, DISTRICT ATTORNEY
T. C. SIKES, SHERIFF
S. L. WATTS, TAX COLLECTOR
HENRY ALLEN, TAX ASSESSOR

A. M. RAMSOUR, DISTRICT CLERK
E. W. ODEN, COUNTY TREASURER
A. P. PRESTWOOD, COUNTY AUDITOR
D. M. EDWARDS, COUNTY SURVEYOR
R. S. BOULTER, COUNTY SUPERINTENDENT

COUNTY COMMISSIONERS

H. L. CARTER, PRECINCT No. 1
J. J. MILL, PRECINCT No. 2

F. B. CLINKSCALE, PRECINCT No. 3
JNO. J. PIERCE, PRECINCT No. 4

TYLER, TEXAS

December 3, 1927.

Hon. S.H. Terrell, Comptroller,
Pension Dept.,
Austin, Texas.

Dear Sir:

Some time ago, probably the last of 1926 or the first of 1927, I forwarded to you the application of J.S. Duncan of Swann, Texas for a Confederate pension. Some time thereafter you wrote him giving him some sort of information, which must have been a request for explanation of some part of the application. He does not have the letter that you wrote him but he does have an envelope which was postmarked at Austin on January 31, 1927.

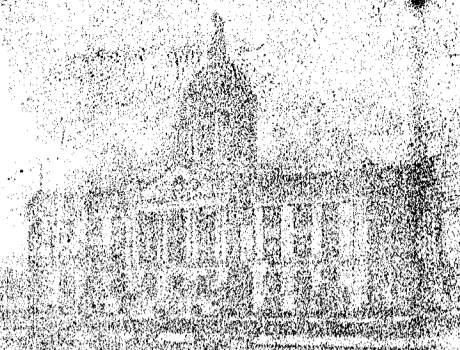
Mr. Duncan will be eighty years of age in February of 1928, and gives me a very clear statement at this time as to his record and service. He states that he was sworn in at Anderson South Carolina and served under Captain Tom Russell. He states that we enclosed affidavits from some of his comrades in service with the application which we sent you.

In view of the fact that this old gentleman is needing this pension, and is entitled to it in my opinion, I wish that you would refer to your records and let me know what is lacking, if anything, in his case to make the pension.

yours truly,

Will D. Pace





Faint, illegible text at the top of the page, possibly a header or list of names.

TEXAS

Dear Sir,
Austin, Texas
Commissioner

Have five ago, probably the last of them or the first of them, I was
winded to you the application of J. J. ... of ...
the ... the ... the ... the ... the ...
the ... the ... the ... the ... the ...
the ... the ... the ... the ... the ...

OFFICE
DEC 2 1967

No. ...
I have ... the ... the ... the ... the ...

In view of the fact that this ... the ... the ... the ...
I wish ... the ... the ... the ... the ...
In ... the ... the ... the ... the ...

Very truly yours,
[Signature]

January 31, 1937.

Hon. Will D. Pace,
County Judge,
Tyler, Texas.

Dear Sir:

I am in receipt of your favor of
January 28, enclosing application of Mr.
J. S. Duncan for Confederate Pension.

The only proof of service submitted in
this case shows that Mr. Duncan served in a
company of Home Guards, or State Troops, and
this application cannot be approved unless
active service in the regular army is shown.

If Mr. Duncan can show that his company
was attached to the regular army, at any
time during the war, for active service,
his application will be given further consider-
ation.

For your information I am enclosing
copy of an opinion rendered by the Attorney
General's Department relative to service of
veterans in State Troops or Home Guards of
states other than Texas.

Yours very truly,

C o m t r o l l e r .

R/M
Enc.

cc to Mr. J. S. Duncan,
Swan, Smith County,
Texas.





D. W. MCLAURIN
MAJOR GENERAL COMMANDING
J. B. LEWIS
ADJT. GENERAL AND CHIEF OF STAFF
ANDERSON, S. C.

HEADQUARTERS

South Carolina Division

United Confederate Veterans

ADJUTANT GENERAL'S OFFICE

Anderson, S. C.

January 24th 1927.

Mr J.Samuel Duncan.
Swann. Texas.

Dear Comrade;-

As stated in my letter to you of recent date.
I am enclosing herewith an affidavit of W.H.Hanna, and which
has been duly attested by H.E.Bailey, Judge of Probate of our
County.

This document will at least prove your service, but if there
is any additional information necessary, ask the proper Officer
of your County Pension Board to write me fully, in regard to
the matter, and I will make an effort to furnish same.

Hanna is the last member of your old company now living so far
as we can testify.

With kind regards and all good wishes for you and yours, I am-

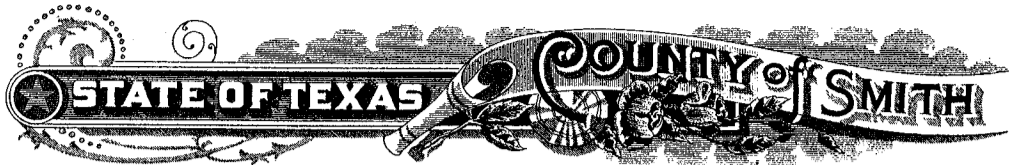
Your Comrade and friend.

J. B. Lewis
Adj. Genl. S.C. Division.
U.C. Veterans.

Box 401. Anderson S.C.



Home Guards



J. R. WARREN, DISTRICT JUDGE
WILL D. PACE, COUNTY JUDGE
E. S. GOENS, COUNTY ATTORNEY
ALBERT BROWN, COUNTY CLERK

W. G. RUSSELL, DISTRICT ATTORNEY
T. C. SIKES, SHERIFF
S. L. WATTS, TAX COLLECTOR
HENRY ALLEN, TAX ASSESSOR

A. M. RAMSOUR, DISTRICT CLERK
E. W. ODEN, COUNTY TREASURER
A. P. PRESTWOOD, COUNTY AUDITOR
D. M. EDWARDS, COUNTY SURVEYOR
R. S. BOULTER, COUNTY SUPERINTENDENT

COUNTY COMMISSIONERS

H. L. CARTER, PRECINCT No. 1
J. J. MILL, PRECINCT No. 2

F. B. CLINKSCALE, PRECINCT No. 3
JNO. J. PIERCE, PRECINCT No. 4

TYLER, TEXAS

January 11, 1928.

Hon. S.H. Terrell, Comptroller,
Austin, Texas.

Dear Sir:

I am enclosing herewith an affidavit which makes the proof in the case of Mr. J.S. (J. Sam) Duncan, Confederate veteran of Swan, Smith County Texas. Please refer to your files and attach this proof to it.

This old gentleman has been working on this proof for a longt time and I am glad that he has finally made it.

Kindly notify me of your action on the matter.

yours truly,

Will D. Pace



January 12, 1928.

Hon. Will D. Pace,
County Judge,
Tyler, Texas.

Dear Judge Pace:

We have your letter of January 11th, enclosing the testimony of W. H. Hanna, supporting the military service record of J. S. Duncan, applicant for Confederate Pension.

You are advised that I cannot approve this application for the reason that the affidavit of Mr. Hanna as well as the application of Mr. Duncan shows that he served in a company of home guards or state troops, and in order to be placed on the pension rolls of Texas, one must show active service in the regular army or navy. We again refer you to a copy of the opinion rendered by the Attorney General's Department of this State, relative to the service in the state troops or home guards of states other than Texas, a copy of which was enclosed to you in my letter of December 6, 1927.

Unless Mr. Duncan can show that this company was at some time attached to the regular army and active service was rendered, then this application must be rejected.

JHT/E

Yours very truly,

Comptroller of Public Accounts.



January 16, 1928.

Hon. Will D. Pace,
County Judge,
Tyler, Texas..

Dear Judge Pace:

We have your letter of January 13th, in regard to the proof of service of the applicant J. S. Duncan as a Confederate Pensioner.

The affidavit of Mr. W. H. Hanna referred to in your letter, makes the statement that "he was a member of the Company of Reserves, known as the Palmetto Mounted Infantry, commanded by Captain Thomas Russell, with H. O. Herrick and John C. Whitfield as Lieutenants, and that J. Sam Duncan was also a member of said Company."

In the affidavit of this same man which is attached to the application and dated the 24th day of January 1927, he makes the following statement regarding this same Company; "That he and Sam Duncan were members of Captain Thomas H. Russell's Company of State Troops, and served in said Company until the close of the War in 1861-1865, at which time they were discharged and ordered to return to their homes."

In the application itself, Mr. Duncan states "I was in Captain Tom Russell's Company. The first Lieutenant was John Whitfield. This was in the home guards of young men and old men, guarding at Tunnell Hill Gap, South Carolina."

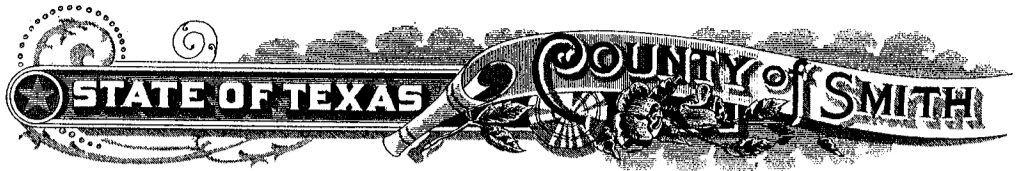
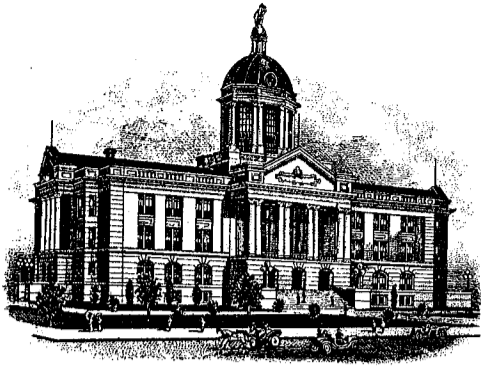
Under the ruling of the Attorney General of this State, Mr. Duncan could not be placed on the Confederate Pension Rolls.

JHT/E

Yours very truly,

Comptroller of Public Accounts.

TX



J. R. WARREN, DISTRICT JUDGE

W. G. RUSSELL, DISTRICT ATTORNEY

A. M. RAMSOUR, DISTRICT CLERK

WILL D. PACE, COUNTY JUDGE
E. S. GOENS, COUNTY ATTORNEY
ALBERT BROWN, COUNTY CLERK

T. C. SIKES, SHERIFF
S. L. WATTS, TAX COLLECTOR
HENRY ALLEN, TAX ASSESSOR

E. W. ODEN, COUNTY TREASURER
A. P. PRESTWOOD, COUNTY AUDITOR
D. M. EDWARDS, COUNTY SURVEYOR
R. S. BOULTER, COUNTY SUPERINTENDENT

COUNTY COMMISSIONERS

H. L. CARTER, PRECINCT No. 1
J. J. MILL, PRECINCT No. 2

F. B. CLINKSCALE, PRECINCT No. 3
JNO. J. PIERCE, PRECINCT No. 4

TYLER, TEXAS

January 13, 1928.

Hon. Hon. S.H. Terrell, Comptroller,

Austin, Texas.

Dear Sir:

I have your letter of the 12th of January with reference to the application for pension of J. Sam Duncan of Swan, Texas, and in which you state that the application is rejected for the reason that his were troops which were state troops or home guards and that no pension can be granted.

I believe that you have mis-read or mis-interpreted the affidavit which was sent in you in my last letter. The facts are that his troops were not state troops but were a part of the Confederate army and his affidavit by hy Hanna of Anderson South Carolina so states.

Please again refer to the affidavit and let me hear from you.

yours truly,

Will D. Pace



COMMISSIONER'S OFFICE
RECEIVED
JAN 16 1900
No. _____

April 24, 1940

17

Mr. Chas. Duncan
Route 9
Tyler, Texas.

Dear Mr. Duncan:

Replying to your letter of April 19, the records show that James Samuel Duncan filed application for Confederate Pension from Smith County in 1931 and the application was approved under file number 49784.

Mr. James Samuel Duncan stated in his application for pension that he served just a few months beginning in January or February, 1865 and serving until the close of the war in April, 1865 in Captain Thomas Russell's Company of South Carolina State Troops Infantry, A private.

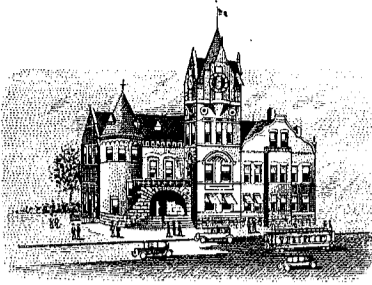
No further information is given as to his service and the application for pension of Mr. Duncan was approved on the affidavits of witnesses.

Yours very truly,



JHT:EE

Geo. H. Sheppard
Comptroller of Public Accounts.



H. E. BAILEY,
JUDGE OF PROBATE

STATE OF SOUTH CAROLINA



OFFICE OF
COURT OF PROBATE

Anderson, S. C.

April 30, 1931

Judge Brady P. Gentry
Tyler
Texas

Re: DUNCAN, Jas Samuel

My dear Judge:

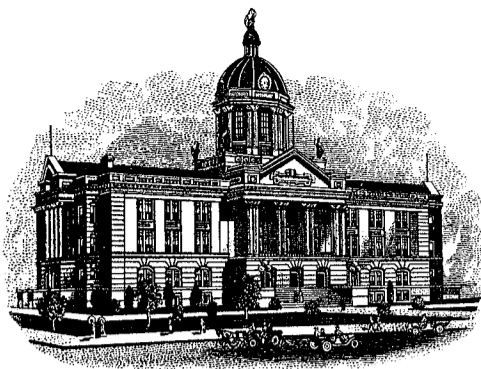
In the above matter all the record that I have is a book, thereon is the names of the men who went from Anderson County to Confederate Army. This book is not complete and I understand that many years ago it was compiled from memory and perhaps from company rolls that the men had. It is fairly accurate and can be relied upon.

I have just talked with an Old Veteran and he says that state troops perhaps means State Reserves, that is they did the same duties as the other, perhaps being called to the colors at a later date, he also states that there was an organization that looked after deserters, "perhaps called State Troops" as they never left the state.

I feel certain that Mr. Duncan is entitled to a pension as his name appears here. The records in this state as in other Southern States are not very complete and lots of them were burned after the war. I think that I can get an affidavit from a Mr. Hanna an old soldier as to Mr. Duncans' service.

Yours very truly,





STATE OF TEXAS COUNTY OF SMITH

W. G. RUSSELL, DIST. JUDGE

EARNEST S. GOENS, DIST. ATTORNEY

CLARK SPARKS, DIST. CLERK

BRADY P. GENTRY, COUNTY JUDGE

TOM C. SIKES, SHERIFF

W. A. LUCKY, COUNTY TREASURER

NAT GENTRY, JR., COUNTY ATTORNEY

J. J. PIERCE, TAX COLLECTOR

A. P. PRESTWOOD, COUNTY AUDITOR

W. R. WARD, COUNTY CLERK

HENRY ALLEN, TAX ASSESSOR

D. M. EDWARDS, COUNTY SURVEYOR

J. E. BILLINGSLEY, COUNTY SUPT.

COUNTY COMMISSIONERS

H. L. CARTER, PRECINCT No. 1
H. W. ACKER, PRECINCT No. 2

L. T. SHAMBURGER, PRECINCT No. 3
J. C. ALLEN, PRECINCT No. 4

TYLER, TEXAS.

Mr. Geo. H. Sheppard,

Austin, Texas.

Dear Sir:

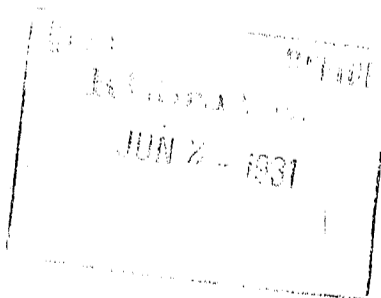
Kindly advise me whether the Governor has signed the bill that will permit members of State Troops of other States drawing pensions under Texas Laws and if so, whether the Application of James Samuel Duncan of this County has been approved.

Thanking you for your uniform courtesy regarding all pension matters from this County, I am,

Yours very truly,



Brady Gentry
Judge, Smith Co., Texas.



May 25, 1931.

Hon. Brady P. Gentry,
County Judge,
Tyler, Texas.

Dear Judge Gentry:

I am in receipt of your letter of recent date enclosing application for pension by Mr. James Samuel Duncan of Route 9, Tyler, Texas.

You are advised that this application cannot be approved under the present law for the reason the service rendered by Mr. Duncan was as a member of the South Carolina State Troops. Members of the militia or State troops of states other than Texas are not included in the list of those who can receive a pension from Texas.

However, there has been an amendment to the pension law adopted by both houses of the Forty-second Legislature and if this bill is signed by the Governor, members of state troops of other states will be admitted on the roll of Texas as pensioners provided they have been residents of this State for a period of ten years prior to the filing of their application. If this bill should become a law then Mr. Duncan should renew his claim as a pensioner, and his application will have further consideration at that time.

Yours very truly,



State Comptroller of Public
Accounts.

JHT:E.

LINDALE, TEXAS, Jan 28 - 1940

M. H. L. L. Luman

Funeral Expense of J. S. Luman

M. H. YORK

Hardware, Furniture and Undertaking

24 HOUR AMBULANCE SERVICE

Jan 28 Cash
- Funeral Car

135 00
15 00

150 00

I certify that this is a true
& correct ~~copy~~ payment
has not been received.

Leon York Undertaker

Subscribed and Sworn before me a Notary Public in the
County of Smith State of Texas. This the 2nd day of Feb 1940.

J. A. McCoy
Notary Public Smith Co. Texas

(X)

7049794
Smith

Tyler Tex

4-19-40

Mr Geo Shepard

Austin Tex

Dear Mr Shepard

I want you to send
me the no of my
Fathers (James Samuel
Duncans) Pension

1 and Company he
belonged to in Confederate
Army and any other
information you can
I am trying to get
a marker for his
grave. Thanks

Chas Duncan



At 9 - Tyler

COMPTROLLERS OFFICE
APR 23 1940
NO. 3
RECEIVED

APPLICATION FOR MORTUARY WARRANT

THE STATE OF TEXAS,

County of Smith } I, C. L. Duncan

do hereby certify that I am the person to whom is entrusted the paying of the accounts and indebtedness of the late James S. Duncan

who was a pensioner of the State of Texas, and whose file number was 49784 and whose original county was Smith

The said pensioner J. S. Duncan, died on the 28th day of Jan., 1940, in the town of Lindale, Texas.

County of Smith, Texas.

The pensioner died in the home of Self. who was related to the pensioner as Self.

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 J S Duncan.

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

I am related to the pensioner as Son.

that my postoffice address is Tyler, Texas R F D 9.
Street or R. F. D.

City _____ State _____

Signed C L Duncan
Feb. _____, 1940

Sworn to before me this 2 day of _____, 1940

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

Notary Public in and for Smith State of Texas.

CERTIFICATE OF UNDERTAKER

I, ~~XXXXXXXXXX~~ Leon York, do certify that I am undertaker in the town of Lindale, County of Smith, State of Texas

that I had charge of the body of J S Duncan, who died in the town of Lindale, County of Smith, State of Texas

on the 28th day of Jan, 1940. That said body was prepared for burial by me on the 28th day of Jan, 1940, and that I am of the opinion that

warrant herein applied for should be issued to the said C L Duncan who makes the foregoing application.

(TX) Signed Leon York Undertaker.

CERTIFICATE OF PHYSICIAN

I, B L Adcock, do certify that I am a practicing physician, and that I attended J S Duncan in his last illness, and am of the opinion that his ailments were Chronic Myocarditis and Senility

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 B L Adcock
Physician's Address Lindale Tex

Jan 1940 warrant
Cancelled
February 1, 1940