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22977-

FORM A.

Soldier's Application for Pension.

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

Name of Applicant.

H. D. Elliott

Smith

County.

Postoffice

Dyer Rt 7

Filed

Aug. 15th 1913

Approved

Sept. 1, 1913

Pension allowed from

Dec. 1, 1913

Rejected

George H. ...

Commissioner of Pensions.

E. L. Steck, Printing, Bookbinding, Austin

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FORM A

For Use of Soldiers who are in Indigent Circumstances

THE STATE OF TEXAS,

COUNTY OF Smith

I, H. D. Elliott, 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 was discharged from Prison at Point Lookout Md at close of war -

(Give date and cause.)

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 a 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? 69 years -
2. Where were you born? Early County, Ga -
3. How long have you resided in Texas? 34 years -
4. In what county do you reside? Smith -
5. How long have you resided in said county and what is your postoffice address? 32 years - Tyler Texas - Route 2 -
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? Farmer -
8. In what State was the command in which you served organized? Georgia
9. How long did you serve? Give, if possible, the date of enlistment and discharge 4 years -
10. What was the letter of your company, number or name of battalion, regiment or battery? Co. E. 1st Georgia Regulars - TX
11. If transferred from one command to another, give time of transfer, name of command and time of service ✓
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? ✓

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) *H. D. Elliott*

Sworn to and subscribed before me, this *17th* day of *August*, A. D. 19*12*

[SEAL.]

James F. Odum
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, *James F. Odum*, County Judge of *Smith* County,

State of Texas, on this day personally appeared *J. W. Bacon* & *D. J. Jones*, who are personally known to me to be credible citizens, who being by me duly sworn, on oath state that they personally know

H. D. Elliott the above named applicant for a pension, and that they personally know that the said *H. D. Elliott* 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) *J. W. Bacon*

(Signature of Witness) *D. J. Jones*

Sworn to and subscribed before me, this *17th* day of *August*, A. D. 19*12*

[SEAL.]

James F. Odum
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, *James F. Odum*, County Judge of *Smith* County,

State of Texas, on this day personally appeared *James Brown*

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 cor-

rect 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.)

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(Signature of Witness) *x* James Brown
(Signature of Witness) _____

Sworn to and subscribed before me, this 11th day of August, A. D. 1912

Geo. D. Odom
County Judge Smith County, Texas.

[SEAL.]

Certificate of the State and County Assessor

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

State of Texas, do certify that H. D. Elliott 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-first Legislature, approved March 26, A. D. 1909, is charged on the land and personal property rolls of said county with estate, real, personal and mixed, at the assessed value of NO dollars.

Given under my hand, this 11th day of August, A. D. 1912

H. B. Matthews
State and County Assessor

TX



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 W. A. Elliott who is
reported to have enlisted in Company "O", Regiment 1st Ga. Regulars
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,

Geo. W. Kyser

Commissioner of Pensions.



ADJUTANT GENERAL'S OFFICE
AUG 18 1913
2069815
WAR DEPARTMENT

2069815

WAR DEPARTMENT,

THE ADJUTANT GENERAL'S OFFICE,
WASHINGTON, August 21, 1913.

Respectfully returned to the
Commissioner of Pensions,
State of Texas,
Austin.

The records show that Henry D. Elliott, private, Company E, 1st Georgia Infantry, Regulars, enlisted April 8, 1861. On the roll for May and June, 1864, last on file, he was reported transferred to the Confederate States Navy. No later record of him has been found.

H. O. Meisland

Adjutant General.

EX PARTE

IN RE APPLICANT FOR CONFEDERATE PENSION

H.D.Elliott

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) Dan Wiggs, who resides in Rusk County, Texas,

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 Dan Wiggs

Witness, answers I have known him all my life. My name is Dan Wiggs - 69 years old. Henderson, Texas.

To the second Int., he answers:

Yes, all my life

To the third Int., he answers: all my life, in State of Ga. I don't remember the Co or Regiment.

To the fourth Int., he answers: Yes.

To the fifth Int., he answers: Yes H.D. Elliott served in Navy. He served four years.

To the sixth Int., he answers: No. He served as a private.

To the seventh Int., he answers: No - he served as a private all through the Civil War between the states.

To the first cross-Int., he answers: I know that he served as a private soldier, and I know of no other soldier by that name.

To the second Cross-Int., he answers: I am certain that - that H.D. Elliott is absolutely the same person whom I knew in the War - between the states.

To the third Cross-Int., he answers: Yes he served honorably, all through the war, and was honorably discharged.

To the fourth Cross-Int., he answers:

He did not desert his Command, but served faithfully all through the war.

(TX)

Subscribed and sworn to before me, this 24th day of Jan'y, 1913
J.W. McDavid
County Judge Rusk County, Texas.

THE STATE OF Texas,

County of Rusk.

I, J.W. McDavid, County Judge of
(Here give name and official character of officer before whom taken.)

Rusk County, Texas, do hereby certify that Dan Wiggs

~~is~~ is ~~an~~ personally known to me to be credible citizens of said
County and State, and that the foregoing answers of Dan Wiggs

the witness ~~are~~ before named, ~~are~~

whose name appear ~~s~~ 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 24 day of January, 1913

(L. S.)

J.W. McDavid
County Judge, Rusk County, 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.

File No.

In Smith County Texas.
Before the Honorable County Judge of said County.

EX PARTE

H. B. Colwell
Applicant for Confederate Pension

DEPOSITION
OF

Dan Wiggs

Witness.....for Applicant.

Filed.....day

of.....191

.....Clerk

By.....Deputy

Fee for Taking Deposition, \$.....



- (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

H.D.Elliott

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 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 **Dan Wiggs** and _____ who resides in the County of **Henderson** 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.

H. D. Elliott

(Applicant) Attorney for Applicant.

Direct Interrogatories to be Propounded to the Witness

Dan Wiggs

- 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.D.Elliott** who _____ is an applicant for pension under Act of March 26, 1909?
- INT. 3. How long had you known the said **H.D.Elliott** and when and where did you first know him?
- INT. 4. Do you personally know that the said **H.D.Elliott** 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.D.Elliott** 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.D.Elliott** 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.D.Elliott** 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 **Dan Wiggs**

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

Cross INT. 3. Do you know whether or not the said H.D. Elliott
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 H.D. Elliott
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.

H. D. Elliott
(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

H. D. Elliott
Applicant.

INTERROGATORIES
propounded to

Rein Rigg

Witness

H. D. Elliott

JESSE F. ODOM
COUNTY JUDGE SMITH COUNTY
TYLER, TEXAS

October 14th 1913.

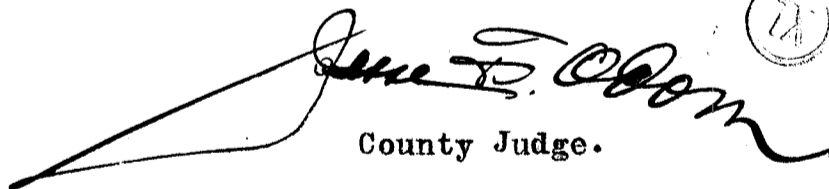
Hon. Geo. W. Kyser,
Austin, Texas.

Dear Sir:-

Some time during August, I forwarded you the pension application of H.D. Elliott, a member of Company E, 1st Georgia Regiment, Infantry. Mr. Elliott was in to see me this morning, and states that he neglected to state in his application that after serving about three years in that company that he was transferred to the Navy. He states that he has heard nothing from his applications, while other whose applications went off about the same time, have already been notified of the approval of theirs, and he is at a loss to know why his application has not been passed on and approved. I do not now recall what was contained in his application, but if any additional proof is required, kindly notify me, and I will endeavor to procure same.

Mr. Elliott states that he served for about 3 years in Co. E, 1st Ga. Regiment, and was then transferred to the Navy, and served on the Chattahoochie River, in Ala.

Yours very truly,


County Judge.



APPLICATION FOR MORTUARY WARRANT CONTROLLERS OFFICE

THE STATE OF TEXAS,

County of Smith } I, P. J. Elliott

JAN 12 1934

do hereby certify that I am the person to whom is entrusted the paying of the accounts and indebtedness of the late H. D. Elliott, who was a pensioner of the State of Texas, and whose file number was 22977 and whose original county was Smith County.

The said pensioner H. D. Elliott, died on the 30th day of December, 1933, in the town of Tyler, County of Smith, Texas.

The pensioner died in the home of Mr. J. J. Harris, who was related to the pensioner as son-in-law.

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 son, P. J. Elliott.

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 that my postoffice address is Tyler, Texas Rt # 7.

Tyler, Texas City State

Signed P. J. Elliott, Sworn to before me this 9 day of Jan. (his mark), 1934.

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

Notary Public in and for Smith County, State of Texas.

CERTIFICATE OF UNDERTAKER

I, J. F. David, do certify that I am undertaker in the town of Tyler, County of Smith, State of Texas that I had charge of the body of H. D. Elliott, who died in the town of Tyler, County of Smith, State of Texas on the 30 day of Dec. 1933. That said body was prepared for burial by me on the 30 day of Dec. 1933, and that I am of the opinion that warrant herein applied for should be issued to the said P. J. Elliott who makes the foregoing application.

Signed J. F. David Undertaker.

CERTIFICATE OF PHYSICIAN

I, W. H. Bryant, do certify that I am a practicing physician, and that I attended H. D. Elliott in his last illness, and am of the opinion that his ailments were Hypostolic 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.

33839 Dec cancelled.

Signed W. H. Bryant Physician's Address Tyler, Texas TX

22977 Jan-1-12-34