

6032

Endorsements Hereon for Comptroller's Use Exclusively.

FORM No. 1.

CONFEDERATE PENSION APPLICATION

Name of Applicant,

J. E. Foster

County,

Post Office

Smith
Smith

Comptroller's File No.

6032

I have carefully examined the within application for pension, together with the proof in support thereof, and

I recommend that the application be

Approved
this *12* day of *February*

A. D.

1900

Pension Clerk,

I hereby *approve* the within application for pension, this *12* day of

A. D.

1900

Comptroller

No Application Rejected by County Judge or County Commissioners Should be Forwarded to Comptroller.

MAVERICK-CLARK LITHO CO., SAN ANTONIO.

COMPTROLLER'S OFFICE
RECEIVED
DEC. 1 1899
Referred to
No.

APPLICATION of Indigent Soldier or Sailor of the late Confederacy for pension under the Act of May 12, 1899.

THE STATE OF TEXAS,

COUNTY OF Smith

To the Honorable County Judge of Smith County, Texas.

Your petitioner, J. E. Foster respectfully represents that he is a resident citizen of Smith County, in the State of Texas, and that he makes this application for the purpose of obtaining a pension under the act passed by the Twenty-sixth Legislature of the State of Texas, and approved May 12, A. D. 1899, the same being an act entitled "An act to carry into effect the amendment to the Constitution of the State of Texas, providing that aid may be granted to disabled and dependent Confederate soldiers, sailors, and their widows under certain conditions, and to make an appropriation therefor," and I do solemnly swear that the answers I have given to the following questions are true.

NOTE—Applicant must make answer to all of the following questions, and such answers must be written out plainly in ink.

Q. What is your name? Answer J. E. Foster

Q. What is your age? Answer 64 years old -

Q. In what County do you reside? Answer Smith

Q. How long have you resided in said County and what is your post office address? Answer 4 years -

Smith - Texas -

Q. Have you applied for a pension under the Confederate Pension Law heretofore, and been rejected? If so state when and where. Answer No

Q. What is your occupation if able to engage in one? Answer Farming -

Q. What is your physical condition? Answer It is not good -

Q. If your physical condition is such that you are unable by your own labor to earn a support, state what caused such disability. Answer Logrippe + pneumonia + Rheumatism.

Q. State in what company and regiment you enlisted in the Confederate army and the time of your service? Answer Company "D" - 3rd Regt Georgia Cavalry

3 years

Q. If you served in the Confederate navy state when and where, and the time of your service. Answer

Q. State whether or not you have received any pension or veteran donation land certificate under any previous law, and if you answer in the affirmative state what pension or veteran donation land certificate you have received.

Answer None

Q. What real and personal property do you now own, and what is the present value of such property? Give list of such property and value. Answer I have no land -

I own 2 Cows, worth \$40

I own 3 hogs " 10

1 Wagon " 15

1 Watch " 10

The above is all I own \$75 -
except my household chattels -

TX

Q. What property, and what was the value thereof have you sold or conveyed within two years prior to the date of this application? Answer: *I have sold one cow*

worth \$30-

Q. What income, if any, do you receive? Answer: *Nothing - except a small Exp.*

Q. Are you in indigent circumstances; that is, are you in actual want, and destitute of property and means of subsistence? Answer: *Yes -*

Q. Are you unable by your labor to earn a support? Answer: *Yes -*

Q. Have you transferred to others any property of value of any kind for the purpose of becoming a beneficiary under this law? Answer: *No -*

Q. Did you ever desert the Confederacy? Answer: *No*

Q. Have you been continuously since the first day of January, 1880, a bona fide resident citizen of this State? Answer: *Yes -*

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

(Signature of Applicant) *J. E. Foster*

Sworn to and subscribed before me this *15* day of *Aug* A. D. *1899*

(SEAL)

Geo. W. Cross
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, *Geo. W. Cross*

County Judge of *Smith* County, State of Texas, on this day personally appeared

M. P. Ray & Perry Ray

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

J. E. Foster the above named applicant for a pension, and that they

personally know that the said *J. E. Foster* enlisted in the service of the

Confederacy, and performed the duties of a soldier (or sailor) as claimed by him in the above and foregoing application; and that they

further know that he, the said applicant, is unable to support himself by labor of any sort.

(Signature of Witness) *M. P. Ray, to physical disability.*

(Signature of Witness) *Perry Ray, to physical disability.*

(Signature of Witness) *Perry Ray, to physical disability.*

(Signature of Witness) *Perry Ray, to physical disability.*

Sworn to and subscribed before me this *10* day of *Nov* A. D. *1899*

(SEAL)

Geo. W. Cross
County Judge *Smith* County, Texas.

AFFIDAVIT OF PHYSICIAN.

THE STATE OF TEXAS,

COUNTY OF Smith } Before me Geo. W. Cross

County Judge of J. J. Bell County, State of Texas, on this day personally appeared J. E. Foster, who is a reputable practicing physician of this County, who being by me duly sworn on oath, states that he has carefully and thoroughly examined

applicant for a pension, and finds him laboring under the following disabilities which render him unable to labor at any work or calling sufficient to earn a support for himself: I find Mr J. E. Foster laboring under a functional heart trouble, besides being since an attack of Logriffs very susceptible to cold, and being now an old man, believe he is not able to earn a support for himself

(Signature of Physician)

Sworn to and subscribed before me this 18 day of Oct A. D. 1899

(SEAL)

Geo. W. Cross
County Judge Smith County, State of Texas.

CERTIFICATE OF COUNTY JUDGE.

THE STATE OF TEXAS,

COUNTY OF Smith } I, Geo. W. Cross

County Judge of Smith County, State of Texas, do hereby certify that on the 18 day of Nov A. D. 1899 before me came on to be heard the application of J. E. Foster

for a pension under the Confederate Pension Law of this State, approved May 12, A. D. 1899; that the answers of said applicant to the questions propounded were made under oath as the same appear in writing in the foregoing application; that the affidavits of the witnesses who are credible citizens were made before me as the same hereinbefore appear, and that the foregoing affidavit of Doctor J. J. Bell

who is a reputable practicing physician of this County, was made before me. I also certify that the said applicant J. E. Foster is not an inmate of the Texas Confederate Home, nor otherwise disqualified under the provision of Section 12, of the Confederate Pension Law. I further certify that after considering all the proceedings had before me relative to the said application for a pension by the said J. E. Foster I find the said applicant is lawfully entitled to the pension provided by the Confederate Pension Law of this State, and I hereby approve said application.

Witness my hand and seal of office at Tyler this 18 day of Nov A. D. 1899

(SEAL)

Geo. W. Cross
County Judge Smith County, State of Texas.

CERTIFICATE OF COUNTY COMMISSIONERS.

THE STATE OF TEXAS,

COUNTY OF Smith } We, the undersigned members of the Commissioners Court of Smith County, Texas, hereby certify that the foregoing application of J. E. Foster

for a pension, together with the proof in support thereof, was duly submitted by Hon. Geo. W. Cross County Judge of this Smith County, to the Commissioners Court of this Smith County, at a regular term thereof on the 18 day of Nov A. D. 1899, and after a careful consideration of the same we find the said applicant is lawfully entitled to the pension provided for by the Confederate Pension Law of this State, and we hereby approve said application.

Witness our hands and seal of office at Tyler Texas this 18 day of Nov A. D. 1899

(SEAL)

(Signatures of Commissioners.)

W. B. McVingrove
H. A. Browns
J. J. Apperson
M. G. Crook



THE STATE OF TEXAS,

To the Clerk of the District Court, Judge or Clerk of the County Court, or any Notary Public in and for the County of Sevanna State of Texas—GREETING:

WE HEREBY AUTHORIZE AND REQUIRE YOU, OR EITHER OF YOU, to summon

N. A. Pruitt & Mary Pruitt

County resident of your
to come before you forthwith, and that you then and there take h
answers, under oath, to the attached copy of Interrogatories, and that you
return the same, without delay, to the Clerk of this Court as herein provided:

1. That you reduce the answers so taken to writing, in proper form, and cause the same to be subscribed and sworn to by said witness.
2. That you certify under your hand and seal of office, that said answers were sworn to and subscribed before you.
3. That you seal up in an envelope the answers so taken, together with the annexed interrogatories, and this Commission, with your name across the seal.
4. That you endorse on the envelope the name of the applicant for pension herein, and the name of said witness.
5. That you direct the package to the "Clerk of the County Court of Smith County, Tyler Texas."
6. That if said package is sent by mail, the Postmaster or his Deputy shall endorse thereon that he received it from your hands, and sign his name thereto; or if you entrust it to private conveyance, as provided by the Statute, you will apprise the person receiving it that it *must* be delivered to the Clerk of *this* Court by *himself in person*; which evidence, so taken as above, is to be used in proof of and on hearing of a pension claim now pending in the Commissioners' Court of Smith County, in said State of Texas, before the County Judge of said County, entitled "Ex parte applicant for Confederate pension."

HEREIN FAIL NOT, but make due return of this Writ as the law directs.

Given under my hand and seal of office, at Tyler
this 15 day of Aug A. D. 1 899

WITNESSETH:
Geo. W. Cross
Clerk of the County Court of Smith County, Texas
Co. Judge
Co. Secy.



Deputy.

A 68.

File No.

IN THE COMMISSIONERS' COURT

of Smith County,
BEFORE THE COUNTY JUDGE OF SAID COUNTY.

Ex Parte J. E. Haster

COMMISSION

TO TAKE THE DEPOSITION OF

W. A. Pruitt &
Mary Pruitt
VS.

J. E. Haster
Applicant for Confederate Pension.

Issued the day of

1

Returned and filed the day of

A. D. 1

Clerk Court,

..... County, Texas.

..... Deputy.

[Faint handwritten notes and bleed-through from the reverse side of the page, including the word "COMMISSION" and other illegible text.]

104

EX PARTE
J. E. Haster
Applicant for Confederate Pension.

Pending in the Honorable Commissioners' Court
of *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
N. A. Pruitt and *Mary Pruitt*
who reside in the County of *Adovora* 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
to his claim for a pension under the Act of May 12, 1899, 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.

J. E. Haster
(Applicant,) Attorney for Applicant.

Direct Interrogatories to be Propounded to the Witness

N. A. Pruitt & Mary Pruitt

- 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 *J. E. Haster* who is an applicant for pension under Act of May 12, 1899?
- INT. 3. How long have you known the said *J. E. Haster* applicant for pension, and when and where did you first know him?
- INT. 4. Do you personally know that the said *J. E. Haster* applicant for pension, enlisted in the service of the Confederacy, and performed the duties of a soldier or sailor?
- INT. 5. Do you personally know in what company and regiment the said *J. E. Haster* applicant, 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 further know that *J. E. Haster*, the said applicant for pension, is unable to support himself by labor of any sort?

CROSS INTERROGATORIES.

TO BE PROPOUNDED TO *N. A. Pruitt & Mary Pruitt* (TX)

CROSS INTERROGATORY 1. If, in answer to the foregoing direct interrogatories, you have stated that you personally know or did know said applicant, 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 in which applicant

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.....

J. E. Foster serving in the same company or regiment in which you say the said applicant, *J. E. Foster*, enlisted? or if you have stated that said applicant enlisted and served in the navy of the Confederacy, then state whether or not you know any other sailor of the same name as said *J. E. Foster* applicant, serving in the same command?

If you say that you so knew other soldiers or sailors of the same name as applicant's, 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 *J. E. Foster* applicant for pension, is the identical person serving as testified by you?

CROSS INT. 3. If you have answered Direct Interrogatory No. 6 in the affirmative, then please state your source of knowledge or information? Is not this your answer simply based upon conjecture?

CROSS INT. 4. Do know whether or not the said *J. E. Foster* applicant for pension, ever deserted the service in the Confederate army or navy?

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THE STATE OF TEXAS,

County of *Smit*

I, *Geo. W. Cross*, 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.

Geo. W. Cross
County Judge *Smit* County, Texas.
Geo. W. Cross
(Applicant,) ~~Attorney~~ for Applicant.

In Re
Application for Confederate
Pension.

IN COMMISSIONERS' COURT,

Smit COUNTY, TEXAS.

Pending before County Judge of said County.

EX PARTE
J. E. Foster
Applicant.

INTERROGATORIES

PROFOUNDED TO

W. A. Pruitt & Mary Pruitt
WITNESSES.

EX PARTE

IN RE APPLICANT FOR CONFEDERATE PENSION

Under Act May 12, 1899, pending in County Commis-
sioners' Court of
County, Texas, before the Honorable County Judge of
said County.

Applicant for Confederate Pension.

Answers and deposition of (1) W. A. Pruitt - My age is 71 -
Cossicana Navarro county Texas

to the accompanying interrogatories (2) I knew him personally yes
propounded to me in the above entitled cause taken before (3) I have known him

J. E. Foster about 65 years - were children to gather - to the
4th interrogatory he answers = I do -
in accordance with the accompanying (5) yes - May 1st 1862 - Whitesville Harris
county Georgia - and in Co. D 3rd Ga. Cavalry and Wheeler
corps and served until the end of the war

To the first interrogatory the said
Witness answers: for we were together most all the time and
belonged to same company - during the war
To six int. he answers - I can not answer
that we have not been together since the war

x Cross Interrogatory, propounded to the witness
W. A. Pruitt -

To 1st. Cross int. W. A. Pruitt answers -
Because we enlisted at the same time, place
and in same company and were together most
all the time during the war -

I never knew any other person in the war by the
name of J. E. Foster belong to same company -
I know no other J. E. Foster -

x To 2nd. Cross int. W. A. Pruitt answers
I am -

To 3rd. Cross int. W. A. Pruitt answers
I do not answer don't know

x To 4th. Cross int. W. A. Pruitt answers
No he did not -

W. A. Pruitt

Sworn to and subscribed before me this
16th day of Aug - 1899

A. DeGraham notary public
Navarro county Texas

(TX)

Answer of the witness Mrs. Mary Pruitt to
the direct interrogatories

To the 1st direct int. the witness Mrs. Mary Pruitt
she answers -

My name is Mary A. Pruitt - My age is
66 - My Post office is Corsicana, Navarro
County, Texas -

To 2nd direct interrogatory the witness Mary A. Pruitt
answers

I do personally know J. E. Foster -

To 3rd direct int. the witness Mary A. Pruitt
answers

I know him in Harris County, Ga. and
~~we~~ we were raised together and went to
school together.

To 4th direct int. the witness Mary A. Pruitt
answers -

Yes, I know that J. E. Foster enlisted in
the war - but I can't say that he served in
the war, although he went off and it was said
he was in the war and then he would come back
occasionally & would bring me word from
Mr. Pruitt and Mr. Pruitt would come home
and tell me & father that J. E. Foster was well
& he J. E. Foster had or would send word back
to his friends -

To 5th direct int. the witness Mary A. Pruitt
answers -

I do not remember, but he was in the
same company with my husband W. A.
Pruitt. It was some Cavalry Company

To 6th direct int. the witness Mary A. Pruitt
answers -

I do not know -

To the cross int. the witness Mary A. Pruitt
answers as follows

To 1st cross int. the witness Mary A. Pruitt

answer. I have stated all I know in my direct question - now I know of other J. E. Foster that enlisted.

To 2 cross out. He witnesses Mary A. Punters.
I am -

To 3 cross out. He witnesses one
I don't know.

To 4 cross out. He witnesses one.
I never heard of it. but they said
he was a good soldier.

M. A. Swift

Sworn to and subscribed before me this the 16th day
of August 1899

A. D. Graham
Notary Public
Navarro County Texas

(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.

Subscribed and sworn to before me, this _____ day of _____ 1_____

THE STATE OF TEXAS, }
County of Navarro } I, A. B. Graham Notary Public in &
(Here give name and official character of officer before whom taken.)
for Navarro Co., Texas do hereby certify that W. A. Pruitt
and Mary A. Pruitt are personally known to me to be credible citizens of said
County and State, and that the foregoing answers of W. A. Pruitt and Mary A. Pruitt

_____ the witness^{es} before named, and
_____ whose names appear signed to the foregoing deposition, were made before me,
and were sworn to and subscribed before me, by said witness (4) W. A. Pruitt and M. A. Pruitt

Given under my hand and official seal, this the 16th day of August 1899

A. B. Graham Notary Public
Navarro County Texas (TX)

[L. S.]

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.

A 70.

File No. _____

In the Commissioners' Court

OF

_____ County, Texas,

Before the Honorable County Judge of said County.

EX PARTE

Applicant for Confederate Pension.

DEPOSITION

OF

Witness.....for Applicant.

Filed the _____ day

of _____ 1 _____

By _____ Clerk.

By _____ Deputy.

Fee for Taking Deposition, \$ _____