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8928

Endorsements Hereon for Comptroller's Use Exclusively.

FORM No. 1.

CONFEDERATE PENSION APPLICATION.

Name of Applicant,

A. B. Kirk

Smith

County.

Post Office

Tyler, Texas

Comptroller's File No.

8928

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 31 day of

March

A. D.

1902

E. A. Pollock  
Pension Clerk.

I hereby Approve the within application for pension; this MAR 31 1902 day of

A. D.

R. M. Love  
Comptroller.

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

MAVERICK-CLARKE LITHO CO., SAN ANTONIO.

RECEIVED  
MAR 28 1902

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, A. B. Kirk 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 A. B. Kirk
- Q. What is your age? Answer 71 years past
- 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 24 years  
Tyler, 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 draying
- Q. What is your physical condition? Answer I am very feeble
- 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 Rupture and bowell disease
- Q. State in what company and regiment you enlisted in the Confederate army, and the time of your service? Answer Company "H", 27th Miss. Regt. infantry 3 years
- Q. If you served in the Confederate navy state when and where, and the time of your service. Answer No
- 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 No
- 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 real estate, nor personal property—except a pony and wagon, worth about \$30.—, and an old buggy worth \$10.—, a Cow & calf, worth \$10.—

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: None

THE STATE OF TEXAS

Q. What income, if any, do you receive? Answer: None

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: None

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) A. B. Kirk

Sworn to and subscribed before me this 8 day of Feb. A. D. 1902

(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

R. W. Roebuck and S. S. Johnson

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

A. B. Kirk the above named applicant for a pension, and that they personally know that the said applicant 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) R. W. Roebuck

(Signature of Witness) Sid S. Johnson

(Signature of Witness)

(Signature of Witness)

Sworn to and subscribed before me this 8 day of Feb. A. D. 1902

(SEAL)

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

(See Depositions)

AFFIDAVIT OF PHYSICIAN.

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  
Dr. J. D. Holley, 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 A. B. Kirk  
 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: inguinal hernia and umbilical  
hernia

(Signature of Physician) J. D. Holley  
 Sworn to and subscribed before me this 8 day of Feb A. D. 1901

(SEAL)

Geo. W. Cross  
Smith 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 20<sup>th</sup>  
 day of Feb A. D. 1902, before me came on to be heard the application of  
A. B. Kirk 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. D. Holley  
 who is a reputable practicing physician of this County, was made before me. I also certify that the said applicant

A. B. Kirk, 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 A. B. Kirk 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 20<sup>th</sup>  
 day of Feb A. D. 1902

(SEAL)

Geo. W. Cross  
Smith 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 A. B. Kirk  
 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 20<sup>th</sup>  
 day of Feb A. D. 1902, 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 Tex this 20<sup>th</sup>  
 day of Feb A. D. 1902

(Signatures of Commissioners.)

(SEAL)

M. J. McFarland No. 1  
J. J. Hammett 2  
D. J. Epperson 3  
W. G. Brown 4



A 67.

File No. ....

IN THE COMMISSIONERS' COURT

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

Ex parte A. B. Kirk

COMMISSION

TO TAKE THE DEPOSITION OF

VS. Capt. E. W. Stoppord & Allen Morris

(NON-RESIDENT OF THE STATE OF TEXAS.)

A. B. Kirk  
Applicant for Confederate Pension.

Issued the 8 day of Feb. 1902

Geo. W. Cross Clerk.

By G. Judge Deputy.  
Shunt Co. Texas

Filed the \_\_\_\_\_ day of \_\_\_\_\_ 1 \_\_\_\_\_

\_\_\_\_\_  
Clerk.  
By \_\_\_\_\_ Deputy.

THE STATE OF TEXAS,

To any Clerk of a Court of Record having a Seal, and Notary Public, or any Commissioner of Deeds duly appointed under the Laws of this State,

in and for the County of Jasper

State of Miss GREETING:

WE HEREBY AUTHORIZE AND REQUIRE YOU, or either of you, to summon

Loaft. E. H. Stafford & Allen Morris, resident of your County

to come before you forthwith, and that you then and there take their answers under oath to the attached copy of Direct & Cross Interrogatories, and that you return the same without delay to the Clerk of the Court as herein provided:

1. That you reduce his 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.

Given under my hand and seal of office, at Tyler, Texas,

this 8 day of Feb. A. D. 1902

ATTEST:

G. W. Cross, County Judge,

Clerk of the Court of Smith County, Tex.

EX PARTE

A. B. Kirk

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

Capt. E. N. Stafford and Allen Morris who reside in the County of Jasper in the State of Miss.

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.

A. B. Kirk

(Applicant's) Attorney for Applicant.

Direct Interrogatories to be Propounded to the Witnesses

Capt. E. N. Stafford & Allen Morris E. N. Stafford age 66 J. S. Duffin, age 60

- INT. 1. What is your name? Age? Present place of residence and postoffice address? Volburg, Min.
INT. 2. Do you personally know, or did you at any time know A. B. Kirk who is an applicant for pension under Act of May 12, 1899? Yes.
INT. 3. How long have you known the said A. B. Kirk applicant for pension, and when and where did you first know him? Jasper Co. Miss in 1861
INT. 4. Do you personally know that the said A. B. Kirk applicant for pension, enlisted in the service of the Confederacy, and performed the duties of a soldier or sailor? Yes
INT. 5. Do you personally know in what company and regiment the said A. B. Kirk 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? 1861 - Jasper Co. Miss - 3 yrs.
INT. 6. Do you further know that A. B. Kirk, the said applicant for pension, is unable to support himself by labor of any sort?

As he left this date 25 or 30 yrs ago we know nothing of his financial or physical condition now.

CROSS INTERROGATORIES.

TO BE PROPOUNDED TO Capt. E. N. Stafford & Allen Morris J. S. Duffin

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



*He was in our Company-*

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.....

*A. B. Kirk* serving in the same company or regiment in which you say the said applicant, *A. B. Kirk*, 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 *A. B. Kirk* applicant,

serving in the same command? *We know no other person by same name*

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 *A. B. Kirk* applicant for pension, is the identical person serving as testified by you? *Yes.*

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 *A. B. Kirk* applicant for pension, ever deserted the service in the Confederate army or navy? *He did not.*

*Mr A. B. Kirk enlisted in Co "H" 27th Regiment of Miss. Volunteers in 1861. and remained in said Company & proved himself to be a good & faithful Soldier - a man well deserving the pension for which he has applied*  
*Enlisted Capt. Co. H. 27th Miss Vol.*  
*J. B. Buford, Quilt " " " " "*

THE STATE OF TEXAS,  
County of *Smit*

I, *Geo. H. 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 *in* may be attached hereto.

*Geo. H. Cross*  
County Judge *Smit* County, Texas.  
*A. B. Kirk*

(Applicant,) Attorney.....for Applicant.

A 69.  
In Re  
Application for Confederate  
Pension.

IN COMMISSIONERS' COURT,  
*Smit*  
COUNTY, TEXAS.  
Pending before County Judge of said County.

EX PARTE  
*A. B. Kirk*  
Applicant.

INTERROGATORIES  
PROFOUNDED TO  
*Capt. E. M. Stafford &*  
*Allen Garrison*  
WITNESSES.



State of Mississippi)  
 Jasper County Permannay  
 appeared before me H. C. Carter  
 Mayor of Vardburg Ex-officio a Justice  
 of peace of said County the within  
 named Ex Sheriff J. S. Rufin  
 who under oath made the foregoing  
 answers to each direct & cross  
 interrogatories herewith attached.

Given under my hand this the  
 24th day of February A.D. 1907  
 H. C. Carter  
 Mayor & Ex-officio J. S.

(TX)

8928

(Box 263)

CERTIFICATE BY CLERK TO SIGNATURE OF J. P. Sec. 1766, Annotated Code, 1892.

STATE OF MISSISSIPPI,

County of Jackson County, } I, the undersigned, Clerk of the Chancery Court of the

County of Jackson County, } In said State (said Court being a Court of record, and having an official seal),

do hereby certify that A. C. Carter whose genuine signature appears to the annexed

and foregoing Certificate of Walter of Washington Jackson is now, and was at the date of said Certificate, a Justice of the Peace in and for said County, duly elected and qualified according to law; that all his official acts as such are entitled to full faith and credit, and that his said Certificate is in due form of law.

In Witness Whereof, I hereunto subscribe my signature and affix the seal of said Court, at



Panola, Mississippi, this the 12 day of

March, A. D. 1 902

J. L. Grant, Clerk.

By \_\_\_\_\_ D. C.