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Disc \$150  
E.M.A.

1931

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  
*E. LAGUE*  
*Emile* County

Postoffice  
*Owston*

Filed  
*May - 6<sup>th</sup> - 1912.*

Approved

Pension allowed from

Rejected

Commissioner of Pensions.

VON BOECKMANN-JONES CO., PRINTERS, AUSTIN

For Use of Soldiers, Who are in Indigent Circumstances

THE STATE OF TEXAS }

County of Smith - }

I, E. Loyue, 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 Discharged at Cambridge, Va. at close of the 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? 70 years of age -
2. Where were you born? In Grayson Co. Texas -
3. How long have you resided in Texas? 70 years -
4. In what county do you reside? Smith
5. How long have you resided in said county and what is your postoffice address? Six months - Overton Texas -
6. Have you applied for a pension under the Confederate pension law and been rejected? If rejected, state when and where No
7. What is your occupation, if able to engage in one? Farmer
8. In what State was the command in which you served organized? Texas -
9. How long did you serve? Give, if possible, the date of enlistment and discharge. 3 years - TX
10. What was the letter of your company, number or name of battalion, regiment or battery? enlisted in 1862, & which served to end of war -  
Gaucho's Brigade, Cooper's Div Co. A, 5th Tex Reg -
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? Cavalry

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)

*E. Layne*

Sworn to and subscribed before me, this *25* day of *April*, A. D. 19*12*

*James F. Odom*

[SEAL.]

County Judge *Omit* County, Texas.

### AFFIDAVIT OF WITNESSES

[NOTE.—There must be at least two credible witnesses.]

THE STATE OF TEXAS }

County of *Wise*

Before me *E. M. Allison* County Judge of *Wise* County,

State of Texas, on this day personally appeared *Elizabeth Miller* <sup>and</sup> *Behinda Derran*, who are personally

known to me to be credible citizens, who, being by me duly sworn, on oath state that they personally know *E. Layne*

*E. Layne* the above named applicant for a pension, and that they personally know that the said

*E. Layne* 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.

Witness to Signature  
*SONATEL*

(Signature of Witness)

*Elizabeth Miller*

(Signature of Witness)

*Behinda Derran*

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

*E. M. Allison*

[SEAL.]

County Judge *Wise* 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 .....

Before me ....., County Judge of ....., County,

State of Texas, on this day personally appeared .....

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 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.)

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(Signature of Witness).....

(Signature of Witness).....

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

[SEAL]

County Judge..... County, Texas.

**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 C. Layne 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 200 dollars.

Given under my hand, this 4 day of May, A. D. 1912

H. B. Matthews

State and County Assessor.



EX PARTE

IN RE APPLICANT FOR CONFEDERATE PENSION

E. Layne

Under Act March 26, 1909, pending

Applicant for Confederate Pension

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

Answers and depositions of (1)

Elizabeth Miller  
Decatur Texas And Belurda Derian  
also of Decatur Texas, respectively

to the accompanying interrogations (2)

+ Cross Interrogations

propounded to them in the above entitled cause taken before (3)

E. M. Allison a Judge Wise Co TX

in accordance with the accompanying (7)

agreements

To the first interrogatory the said

Elizabeth Miller

Witness, answers

My name is Elizabeth Miller, my age is 72 years, live at Decatur Texas also my P.O. address. I know E. Layne. I have known him 70 years he is my brother in Grayson County Texas. I know that E. Layne enlisted in the Confederate Army and performed the duties of a Soldier. I know that he was in Gamble's Brigade - Coopers Div. and in Martins Regiment of Cavalry. in 1862, he enlisted in Grayson County Texas or near there in Indian Territory, he served to end of the War; I do not know whether or not he was an Officer in the Army; Int. 7th Answer: - I do not know.

Answer to Cross Interrogatories:

I know it because I am his sister and lived in the same family with him; I never knew another E. Layne in in the same company or regiment or same command or special Service; I am positive that this E. Layne is the same person testified about; I know that he served honorably until the end of the War; I know that he did not desert

(TX)

Witness:  
for Layne

Elizabeth Miller  
her mark

Witness Belinda Derian:

To the 1st Interrogatory the said Belinda Derian Witness answers: My name is Belinda Derian I am the Widow of J. B. Derian who is dead died 18 years ago at Decatur Texas: My age is 75 years: I live at Decatur Texas Wise Co. And it is also My P. O. Address

Ans. to 2nd Int: I know that he enlisted and served in Confederate Army: I know him personally he is My brother:

Ans. to 3rd Int: I have known him all my life and his life: knew him first in Grayson Co Texas.

Ans to 4th Int: yes I do.

Ans to 5th Int: - Yes: Gano's Brigade: Coopers Div. Martins Reg Cavalry: Co. A. 3rd Texas Reg: enlisted in 1862 near Sherman Texas or in Indian Territory near there: served to end of war: he served in Indian Territory and Arkansas from 1862 to 1865 - 3 years:

Ans to 6th Int = No I do not:

Ans to 7th Int = No I do Not:

Ans to Cross Int:

Cross Int 1. I know because I am his sister and was in the family with him at the time: I never knew of any other person by the name in the Army at any time:

Cross Int 2. Answer: - Yes.

Ans to Cross Int 3. I know that he died:

Subscribed and sworn to before me, this 1 day of May, 1912

E. M. Allison County  
Judge Wise Co Texas

THE STATE OF Texas  
County of Wise  
Wise Co Texas

I, E. M. Allison Co Judge  
(Here give name and official character of officer before whom taken.)  
Elizabeth Miller

do hereby certify that Elizabeth Miller  
and Belinda Derian  
County and State, and that the foregoing answers of Elizabeth Miller

are personally known to me to be credible citizens of said  
the witness or before named, and Belinda

Derian, whose name appear P signed to the foregoing deposition, were made before me  
and were sworn to and subscribed before me, by said witness or respectively

Given under my hand and official seal, this the 1 day of May, 1912

(L. S.)

E. M. Allison Co Judge  
Wise Co 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

*use this for answers*

File No. \_\_\_\_\_  
In Smith County, Texas.  
Before the Honorable County Judge of said County.

EX PARTE

E. Layne  
Applicant for Confederate Pension

DEPOSITION  
OF

E. Miller  
J. B. Derian  
Witness for Applicant.

Filed \_\_\_\_\_ day  
of \_\_\_\_\_, 191\_\_\_\_  
By \_\_\_\_\_, Clerk.  
Deputy.

Fee for Taking Deposition, \$ \_\_\_\_\_  
VON BOECKMANN-JONES COMPANY, PRINTERS, AUSTIN, TEXAS

Ans to Cross Int 4th; I know  
that he did not;

Witness;

to Rattiff

<sup>her</sup>  
Belinda X Perian  
Mork

TX

- (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

*E. Layne*  
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 *E. Miller*  
and *J. B. Denison* who reside in the County  
of *Wise* 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 applica-  
tion 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.

*E. Layne*  
(Applicant) Attorney for Applicant.

Direct Interrogatories to be Propounded to the Witness *E.*

*E. Miller & J. B. Denison*

- 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 *E. Layne* who  
is an applicant for pension under Act of March 26, 1909?
- INT. 3. How long had you known the said *E. Layne*  
and when and where did you first know him?
- INT. 4. Do you personally know that the said *E. Layne*  
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 *E. Layne*  
enlisted and served in the Confederate army? When? Where? And the time of service? If you person-  
ally 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 *E. Layne*  
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 *E. Layne* 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 *E. Miller & J. B. Denison* (TX)

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

Cross INT. 3. Do you know whether or not the said E. Layne 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 E. Layne deserted his command, or voluntarily abandoned his post of duty or the service during said war?

**THE STATE OF TEXAS,**

County of Smith  
 I, John E. Odum

, 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 E. Layne may be attached hereto.

John E. Odum  
 County Judge Smith County, Texas.

E. Layne  
 (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**

E. Layne  
 Applicant.

**INTERROGATORIES**

propounded to

E. Miller

W. H. Davis  
 Witnesses.



E. A. BUFORD, Commissioner

1355-1211-300

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 O. Lague who is reported to have enlisted in  
Company "A", Regiment 5<sup>th</sup> Texas. Gauris Brigade.  
Campus. Min. Cavalry  
in the service of the Confederate States Army.

Purpose: The \_\_\_\_\_ person above named is an applicant  
for a Confederate pension granted by this State, and I desire to verify  
his proof of service.

Very respectfully,



E. A. Buford  
Commissioner of Pensions.

V-25

Address: "The Adjutant General,  
War Department, Washington, D. C."  
1911064

**WAR DEPARTMENT,**  
**THE ADJUTANT GENERAL'S OFFICE,**  
WASHINGTON. May 14, 1912.

*Respectfully returned to the*

\* Commissioner of Pensions,  
State of Texas,  
Austin.

The name E. Lague has not been found on the rolls, on file in this office, of Troop A, 5th Texas Cavalry, Confederate States Army, and no record has been found of the capture or parole of a man of that name and organization.

*W. P. Hall*  
The Adjutant General.

(A. G. O. 72-1) Per 4

ADJUTANT GENERAL'S OFFICE  
MAY 13 1912  
1911064  
WAR DEPARTMENT.