

36557 ✓

**DEAD** FORM B.

# Widow's Application for a Pension

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

Name of Applicant.

*Mary E. Howard*

*Wardlaw* County.

Postoffice *Athens, R #3*

Filed *Sept 4-1919*

Approved *April 15-1920*

Pension allowed from *Sept 1-1919*

Rejected *Jan 9-1920*

*M R Wignitzer*  
Comptroller of Public Accounts.

*Date of marriage*

## For Use of Widows of Soldiers who are in Indigent Circumstances

## THE STATE OF TEXAS

COUNTY OF Henderson

I, Mrs. Mary Elizabeth Howard, 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, A. D. 1913, on the following grounds:

I am the widow of James J. Howard, deceased, who departed this life on the 25 day of Oct, A. D. 1905, in the county of Henderson in the State of Texas.

I have ~~not~~ remarried since the death of my said husband, and I do solemnly swear that I was never divorced from my said husband, and that I never voluntarily abandoned him during his life, but remained his true, faithful and lawful wife up to the date of his death. I was married to him on the Feb day of 1889, in the county of Robertson, in the State of Texas.

My husband, the said J. J. Howard, enlisted and served in the military service of the Confederate States during the war between the States of the United States, and that he did not desert the Confederate Service. I have been a resident of the State of Texas since prior to January 1, A. D. 1900, and have been continuously since a citizen of the State of Texas. I do further state that I do not 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 anyone hold in trust for my benefit or use, estate or property, either real, personal or mixed, either in fee or for life, of the value of one thousand dollars, exclusive of the home of the value of not over \$1000.00; 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? 66 years old
2. Where were you born? Henderson Co Texas
3. How long have you resided in the State of Texas? all my life
4. How long have you resided in the county of your present residence? And what is your postoffice address? about 14 years, Athens Tx, R#3
5. Did your husband draw a pension? If so, give his file number. yes No. 13
6. What was your husband's full name? James J. Howard
7. What was the date of his death? Oct 25, 1905
8. In what State was your husband's command originally organized? Refer to records
9. How long did your husband serve? If known to you give date of enlistment and discharge. his application for pension in your office

10. What was the name or letter of the company, or number of the battalion, regiment or battery of artillery in which your husband served? If he was transferred from one branch of service to another, give time of transfer, description of command and time of service. Reference is made to files in your Department

11. Name branch of service in which your husband served, whether infantry, cavalry, artillery, or the navy, or if commissioned as an officer by the President, his rank and line of duty, or if detailed for special service, under the law of conscription, the nature of such service, and time of service. Refer to files in your Department

12. 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 her application for a pension may be approved and such other proceedings be had in the premises as are required by law.

(Signature of Applicant) Mary E. HowardSworn to and subscribed before me, this 30 day of Aug, A. D. 1919

[Seal.]

County Judge Henderson County, Texas.

# AFFIDAVIT OF WITNESSES

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

THE STATE OF TEXAS, )

COUNTY OF Henderson

Before me, J. M. Dumas, County Judge of Henderson County, State of Texas, on this day personally appeared J. B. Elledge & J. M. Quinn, who are personally known to me to be creditable citizens, who, being by me duly sworn, on oath state that they personally know that Mrs. Mary E. Howard, applicant for a pension as the widow of James J. Howard deceased, is in truth and fact the widow of said J. J. Howard deceased; that they personally know that she has ~~not~~ to one Ashmon but he abandoned her several remarried since the death of her husband, for whose service in the army she claims a pension, and that they have no interest in this claim.

(Signature of Witness) J. B. Elledge

(Signature of Witness) J. M. Quinn

Sworn to and subscribed before me, this 30 day of Aug, A. D. 1919

County Judge J. M. Dumas Henderson County, Texas.

[Seal.]

# AFFIDAVIT OF WITNESSES

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

THE STATE OF TEXAS, )

COUNTY OF Henderson

Before me, J. M. Dumas, County Judge of Henderson County, State of Texas, on this day personally appeared J. B. Elledge & J. M. Quinn, who are personally known to me to be creditable citizens, who, being by me duly sworn, on oath state that they personally know the above named applicant for pension, and that they personally know that the said Mary E. Howard has been a bona fide resident citizen of the State of Texas since prior to January 1, A. D. 1900, and that they have no interest in this claim.

(Signature of Witness) J. B. Elledge

(Signature of Witness) J. M. Quinn

Sworn to and subscribed before me, this 30 day of Aug, A. D. 1919

County Judge J. M. Dumas Henderson County, Texas.

[Seal.]

# AFFIDAVIT OF WITNESSES

(If possible, the two witnesses should have served with the applicant's husband in the army, and if so, let them, or either of them, state it in their oath; also any information regarding the army service of applicant's husband.)

THE STATE OF TEXAS, }  
COUNTY OF \_\_\_\_\_ }

Before me, \_\_\_\_\_, County Judge of \_\_\_\_\_ County, State of Texas, on this day personally appeared \_\_\_\_\_, who 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 her application are correct and true, to the best of their knowledge and belief, and that they have no interest in this claim. And further make oath to the following facts touching the service of the applicant's husband in the Confederate Army; (State fully your source of knowledge) : \_\_\_\_\_

(Signature of Witnses) \_\_\_\_\_

(Signature of Witnses) \_\_\_\_\_

Sworn to and subscribed before me, this \_\_\_\_\_ day of \_\_\_\_\_ A. D. 191 \_\_\_\_\_

[Seal.]

County Judge \_\_\_\_\_ County, Texas.

## CERTIFICATE OF STATE AND COUNTY ASSESSOR

I, H. D. Gilliam, State and County Assessor in the County of Harris, State of Texas, do certify that Mrs. M. E. Howard whose name is signed to the foregoing application for a pension, under the Act of the Thirty-third Legislature, approved April 7, 1913, is charged on the tax rolls of said county with a homestead of the value of no Dollars, and of other property, real or personal, or both, of the value of no Dollars.

Given under my hand, this 30 day of Aug A. D. 191 9

H. D. Gilliam  
State and County Assessor.





H. B. TERRELL, COMPTROLLER  
L. W. TITTLE, CHIEF CLERK

Comptroller's Department  
State of Texas  
Austin

Oct. 17, 1919

Mrs. Mary E. Howard,  
Athens, Texas,  
Route 3.

Dear Madam:

Your application for a Confederate pension cannot be approved on account of your not being a widow at this time. Unless your second husband is dead or you have been legally divorced from him I cannot approve your application.

When you have complied with the requirements of the law in this particular please advise this Department, and your application will again be taken up for consideration and approval.

Yours very truly,

*L. W. Tittle* (TX)  
Comptroller.

KR

36557

J. A. McDONALD

(LAWYER)

COUNTY JUDGE

HENDERSON COUNTY

ATHENS, TEXAS

Dec 20/19.

Hon. L. W. Tittle,  
Comptroller,  
Austin, Texas.

Dear Sir:-

Answering your kind letter of Oct 17, which is herein inclosed for reference, I beg to hand you herewith a certified copy of Divorce obtained from me by my husband J W Ashmore in the Dist Court of Houston county. This leaves me without any legal husband, and trust answers and complies with your suggestions contained in the inclosed letter of Oct 17th.

Hopeing you will set your way clear now to grant me a pension &c.

Yours truly,



*Mrs. Mary E. Howard.*

*Formerly Mrs. Mattie Ashmore.*

*Divorce of J. W. Ashmore.*

D 573

No.

7879

In the District Court

J. W. Ashmore

vs.

Willie Ashmore

Certified Copy of Decree of Divorce

ISSUED

This 12<sup>th</sup> day of Dec. A.D. 1919

J. B. Ginnattall

Clerk District Court Houston Co., Texas

By \_\_\_\_\_ Deputy

DORSEY PRINTING CO., DALLAS

COMPTROLLER  
RECEIVED  
DEC 20 1919

BE IT REMEMBERED, That on this the 6<sup>th</sup> day of October A.D. 1919,  
 same being the 1<sup>st</sup> Monday in Oct A.D. 1919, there was begun and holden within and  
 for the County of Houston, State of Texas, at the Court House thereof, in the City  
 of Crockett, a regular term of the Honorable District Court of Houston County,  
 Texas. There were present: Honorable John S. Prince District Judge;  
B. F. Deak Attorney;  
V. B. Trinstall District Clerk, and R. J. Spence Sheriff,  
 when the following proceedings, among others, were had and entered of record, to-wit:

J. W. Ashmore vs. Mollie Ashmore  
 No. 7879  
 ON This the 7<sup>th</sup> day of Oct, A.D. 1919  
 this cause coming on to be heard, the Plaintiff appeared in  
 person and by Attorney, and announced ready for trial, and  
 the Defendant, although having Accepted service

as required by law, failed to appear and answer in this behalf, but wholly made default; whereupon, a jury being  
 waived, the matters of fact, as well as of law, were submitted to the Court, and the Court, having heard the  
 pleadings, evidence and argument of counsel, is of the opinion that the material allegations in Plaintiff's petition  
 are true.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED BY THE COURT, That the bonds of matrimony  
 heretofore existing between said Plaintiff J. W. Ashmore, and the

Defendant Mollie Ashmore, be and the same are hereby annulled and dissolved,  
 and that the said Plaintiff be and he is hereby divorced from the said Defendant. and that each  
party respectively be and they are hereby restored to the position  
of single and unmarried persons



IT IS FURTHER ORDERED BY THE COURT That the said Plaintiff J. W. Ashmore  
Mollie Ashmore, all costs in this behalf  
 expended, for which he may have h/s execution. It is further ordered that execution may issue in favor of the  
 officers of Court against each party, respectively, for all costs by him or her in this behalf incurred.

The State of Texas,  
 County of Houston, I, V. B. Trinstall Clerk of the District  
 Court of Houston County, Texas, hereby certify that the above and foregoing is a true and  
 correct copy of the Decree of Divorce rendered in the above entitled cause, as appears of record in the Minutes of  
 said Court, in volume 2, page 353, on file in my office.

GIVEN UNDER MY HAND AND OFFICIAL SEAL This 12 day of Dec. A.D. 1919

[L.S.]

Clerk District Court Houston County, Texas

By \_\_\_\_\_ Deputy

Jan 14, 1920,

Mrs. Mary E. Howard,  
Route 3,  
Athens, Texas.

Dear Madam:

Your application for a Confederate pension cannot be approved on account of the date of your marriage as shown therein. Present pension laws of this State require that widows who are applicants must have married prior to March 1, 1880, the man on whose service record a pension is applied for. You state in your application that you were married to Mr. Howard in February, 1889.

Your application will be kept on file in this Department and may be renewed whenever the laws are amended so as to permit the approval of same.

Yours very truly,

Comptroller



KR

April 15, 1920

Mrs. Mary E. Howard,  
Route #3,  
Athens, Texas

Dear Madam:

Your application for a Confederate pension, filed with this department Sep. 4, 1919, was rejected on account of an Act passed at the Regular Session of the Thirty-Sixth Legislature which amended the law relating to date of marriage of widow of Confederate soldier or sailor.

I requested an opinion from the Attorney General on the constitutionality of that portion of this Act requiring that widows must have been married prior to Mar. 1, 1880, to the man on whose service record pension was applied for. I am gratified to advise you that he holds the Legislature had no authority to place a limit as to the date of marriage other than that fixed by the Constitution; and when legislative acts are contrary to the Constitution, the latter must prevail.

Your marriage having taken place before Jan. 1, 1900, I am approving your application today, beginning from the first day of the pension quarter in which same was filed, and take pleasure in enclosing form notice of approval for your future reference and use, together with your affidavits to be executed by you and returned to this department.

Yours very truly,

Comptroller,

KR.rjf  
Encl..



# APPLICATION FOR MORTUARY WARRANT

THE STATE OF TEXAS,

County of Henderson

I, J B Elledge

do hereby certify that I am the person to whom is entrusted the paying of the accounts and indebtedness of the late Mrs. Mary E. Howard, who was a pensioner of the State of Texas, and whose file number was 36557 and whose original county was Henderson

The said pensioner Mary E Howard, died on the 12th day of March, 1930, 19  , in the town of Murchison

County of Henderson, Texas.

The pensioner died in the home of Her own little home who was related to the pensioner as #####

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 Mary E Howard

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) and cousin that my postoffice address is Wthens, Texas

City

Signed

Sworn to before me this 20th day of

March, 1930, 19  

Notary Public in and for Henderson State of Texas.

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

## CERTIFICATE OF UNDERTAKER

handle Caskets

I, R E Ware, do certify that I ##### in the town of Murchison County of Henderson State of Texas that I ##### sold the casket in which the body of Mary E Howard was buried who died in the town of Murchison County of Henderson State of Texas on the 12th day of March, 1930 19  . That said ##### was prepared for burial by me on the 12 day of March, 1930 19  , and that I am of the opinion that warrant herein applied for should be issued to the said J B Elledge who makes the foregoing application.

Signed

Dealer in Hardware, Furniture & Caskets-

## CERTIFICATE OF PHYSICIAN

I, Dr. A C Horton, do certify that I am a practicing physician, and that I attended Mary E Howard in her last illness, and am of the opinion that her ailments were Abscess of Lungs

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

Physician's Address Murchison, Texas

3-17-30

TX

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The said partnership was organized in the State of Texas, and whose principal office is located in the State of Texas, and whose principal office is located in the State of Texas.

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2006	March, 2006	March 2006	March 2006
2007	March, 2007	March 2007	March 2007
2008	March, 2008	March 2008	March 2008
2009	March, 2009	March 2009	

Her own little home

who was referred to the hospital as

Journal of Experimental Social Psychology 1991, 27, 111-121

[illegible]

Atlanta, Texas

COMPTROLLERS OFFICE  
RECEIVED  
MAR 22 1930

1000

Mutual reserve before  
 40 days expires from  
 date of Pensioners' death

*[Faint, illegible text from bleed-through]*

town of Murchison sold the casket in which the body of Mary Kate Howard was buried

County of	Murchison	State of	Georgia
County of	Headman	State of	Texas

on the 12th March, 1980

Dealer in Hardware & Paints  
 & Gasoline

physician, and that I returned to the hospital in the fall of 1941. I was then assigned to the medical department of the 1st Marine Division, and I remained there until the end of the war.

SECRET - NOFORN

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