

28339
 26- FORM A. 1095

Soldier's Application for a Pension

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

H. M. E. E. E. E.
 Name of Applicant.
H. M. E. E. E. E.
 Henderson County.

Postoffice *Athens*

Filed *June 20 - 1914*

Approved *for June 21*

Pension allowed from *Sept. 1 - 1914*

Rejected

George E. E. E.
 Commissioner of Pensions.

E. L. Steck, Printing Commissioner of Pensions

want record

FORM A

For Use of Soldiers Who Are In Indigent Circumstances

THE STATE OF TEXAS

County of

Henderson

I,

A. A. McElvain

to hereby make application to the Commissioner of Pensions for a pension to be granted me under the Act passed by the 53rd Legislature of the State of Texas, and approved April 7, 1913, 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; or (that I was in the service of the State of Texas during the war, to protect said State against the Indians and Mexicans for more than 6 months). That I was honorably discharged or surrendered - *discharged at Fort Delaware - June 13-1865 - at the 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. 1900, 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 of \$300.00 per annum, nor have I an income from any other employment or other source whatever which amounts to \$300.00 per annum, nor do I 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 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, exclusive of a home of the value of not more than \$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 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? *68 years*
2. Where were you born? *In Station N. C.*
3. How long have you resided in Texas? *39 years*
4. In what county do you reside? *Henderson*
5. How long have you resided in said county, and what is your postoffice address? *1 year - Post office address: Athens, Texas*
6. Have you applied for a pension under the Confederate pension law and been rejected? If rejected, state when and where. *Have never applied*
7. What is your occupation, if able to engage in one? *Farming* What is your physical condition? *Fair*
8. In what State was the command in which you served organized? *Mississippi*
9. How long did you serve? Give, if possible, the date of enlistment and discharge. *Enlisted latter part of 1862 Discharged June 13-1865*
10. What was the letter of your company, number of battalion, regiment or battery? *C. O. A. 2nd Miss Cavalry*
11. If transferred from one command to another, give time of transfer, name of command and time of service *Not transferred*
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?

Private 1st class

14. If detailed for special service, under the law of conscription, what was the nature of your service and how long did you serve?

not detailed

15. What is the assessed value of your home, if you own a home?

own no home

16. What is the assessed value of your other property?

\$100.00

17. 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 a pension be approved and such other proceedings be had in the premises as are required by law.

(Signature of Applicant)

*his
A. A. McElwain*

Sworn to and subscribed before me, this

29

day of

June

A. D. 19*14*

C. D. Owen

[Seal.]

County Judge *Henderson* County, Texas.

AFFIDAVIT OF WITNESSES

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

THE STATE OF TEXAS }

County of *Kaufman*

Before me

H. F. Stewart

County Judge of

Kaufman

County,

State of Texas, on this day personally appeared

F. P. Yates & J. W. Hitt

, who are personally

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

A. A. McElwain

, the above named applicant for a pension, and that they personally know that the

said *A. A. McElwain* 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 his claim.

(Signature of Witness)

F. P. Yates

(Signature of Witness)

J. W. Hitt

Sworn to and subscribed before me, this

26th

day of

June

A. D. 19*14*

H. F. Stewart Notary Public

[Seal.]

County Judge *Kaufman* 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 per-

sonally 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 his 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.)

(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 STATE AND COUNTY ASSESSOR

I, D. F. Henry, State and County Assessor in the County of Henderson
State of Texas, do certify that J. A. McElenaine, 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-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 27 day of

A. D. 1978

State and County Assessor.

EX-PARTE

D.A. McElduain
Applicant for Confederate Pension.

Pending in Henderson County,
Texas, before the Honorable County Judge of said County

The Honorable County Judge of _____ 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 _____ and _____ who reside _____ in the County of _____ in the State of _____ 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 _____ 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 _____ and State of Texas, of which _____ is a bona fide resident.

(Applicant) Attorney _____ for Applicant.

Direct Interrogatories to be Propounded to the Witness _____.

- 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 D.A. McElduain who _____ is an applicant for pension under Act of april 7 - 1913 March 26, 1909?
- INT. 3. How long had you known the said D.A. McElduain and when and where did you first know him?
- INT. 4. Do you personally know that the said D.A. McElduain 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 D.A. McElduain 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 D.A. McElduain 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 D.A. McElduain 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 J.R. Brown

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

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

THE STATE OF TEXAS,
County of Hudson

I, C. D. Owen, 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.

C. D. Owen
County Judge Hudson County, Texas.

D. A. McElmain
(Applicant) ~~Attorney~~ for Appellant.

In Re

**Application for Confederate
Pension.**

FOR USE OF SOLDIERS OR WIDOWS.

County, Texas.

Pending before the County Judge of said County.

EX PARTE

Applicant.

INTERROGATORIES
propounded to

Witnesses.

The foregoing depositions were sworn to by J.R. Brown of Falkner Mississippi before the Undersigned Chancery Clerk of Tippah County Mississippi.

J. R. Brown

Subscribed and sworn to before me, this *21* day of *June*, 19*13*

J. R. Brown
Chancery Clerk

THE STATE OF *Mississippi*
County of *Tippah*

J. R. Brown
(Here give name and official character of officer before whom taken)

do hereby certify that *J. R. Brown*
and _____ are personally known to me to be credible citizens of said
County and State, and that the foregoing answers of *Deposition of*
J. R. Brown, the witness before named, and _____
whose name appear 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 *21* day of *June*, 19*13*
(L. S.) *J. R. Brown*
Chancery Clerk

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, and Notary Public, or any Commissioner of Deeds of Texas.

File No. _____

In _____ County, Texas.

Before the Honorable Judge of Said County.

EX PARTE

J. R. Brown

Applicant for Pension

DEPOSITION

OF

Witness for Applicant.

Filed _____ day

of _____, 19*13*

_____, Clerk.

By _____, Deputy.

Fee for Taking Deposition, \$ _____

E. I. Steck, Printing, Bookbinding, Austin

IX

- (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.

DEPOSITION IN PENSION CLAIMS, with Caption and Certificates.

160-1212-500

EX PARTE

IN RE APPLICANT for CONFEDERATE PENSION

Under Act March 26, 1909, pending

W. A. McElwain

Applicant for Confederate Pension.

County, Texas, before the Honorable County Judge
of said County.Answers and depositions of (1) *J.R. Brown, 75, Tippah County Mississippi.**Post office Falkner Miss.,*No 2. Yes I know him ~~xxx~~to the accompanying interrogations (2) *& Cross Interrogation*
propounded to *him* in the above entitled cause taken before (3) *J. W. Street*
in accordance with the accompanying (7) *Agreement*

To the first interrogatory the said

Witness, answers *NO 3 since 1862.**In the army.*No. 4 Yes I know that he was in the army and performed the duties of
a soldier.No. 5. Co A. 2nd Miss., cavalry. in 1862. in Mississippi.
untill in the Spring of 1863.

No 6 Only a private soldier.

No 7. he was not.

Cross Examination. I was in the same Company that he was for a
while.~~Max~~2. I did not.No 2. the same ~~xxxxxxx~~ person.No He did as long as I staid in that Command, and I feel sure that
he did untill the close.

No 4. He did not.

TX

EX PARTE

D.A. McElwain
Applicant for Confederate Pension.

Pending in *Henderson* County,
Texas, before the Honorable County Judge of said
County.

The Honorable County Judge of _____ 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 _____
and _____ who reside in the County
of _____ in the State of _____ 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 _____ 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
_____ and State of Texas, of which _____ is a bona fide resident.

(Applicant) Attorney _____ for Applicant.

Direct Interrogatories to be Propounded to the Witness _____.

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

TX

To be Propounded to _____

CROSS INTERROGATORY 1. If, in answer to the foregoing direct interrogatories, you have stated that you personally
know or did know said *D.A. McElwain* 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 *D.A. McElwain* 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 *D.A. McElwain* serving in the same company or regiment, or special
service in which you say the said *D.A. McElwain* enlisted, if you have stated that said
D.A. McElwain enlisted and served in the navy of the Confederacy, then state whether or

DEPOSITION IN PENSION CLAIMS, with Caption and Certificate.

1170-1109-3.m

EX PARTE

IN RE APPLICANT FOR CONFEDERATE PENSION

Under Act March 26, 1909, pending.

To A McElwain.

Applicant for Confederate Pension.

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

Answers and depositions of (1)..... J.H. South. 66 years old.

Tippah County Mississippi,. Post office address Ripley.

to the accompanying interrogations (2) D.A. McElwain , (yes I know D.A. McElwain first in
the war in 1862 or 63)
propounded to in the above entitled cause taken before (3) Since 1862 Or 63 I first knew
him while in the war.
in accordance with the accompanying (7) _____

To the first interrogatory the said

Witness, answers.

No 4 Yes, he was in my Company (Co A. of 2nd Miss) calvary

No 5 Co "A" Capt Rutherford was Capt.

in the year about 62. In Mississippi and Tennessee.

He served in that Company till about May 63.

He served in my Company till he was captured about 63.

[illegible]

xNxxxyxx

No 6 he was a private soldier.

No 7. Only a private soldier.

Cross examination.

I know him of my own knowledge , I do not.,

No 2. Yes I do.

No. 3. He did.

No 4. He served faithfully till he was captured , and we were separated.

TX

State of Mississippi.

County of Tippah.

Personally appeared before me the undersigned Chancery Clerk
of Tippah County Mississippi, the within named witness J.H.
South to me well known to be a man of ~~truthful~~ truth and
varacity who makes oath to the foregoing depositions and whose
Post office address is Ripley Mississippi.

Signature of witness.

J. H. South

Subscribed and sworn to before me, this 21 day of June, 1913.

J. H. Street
Clerk of the Chancery Court

THE STATE OF Mississippi
County of Tippah

I, *J. H. Street Chancery Clerk*
(Here give name and official character of officer before whom taken.)

do hereby certify that

and

County and State, and that the foregoing answers of

J. H. South

the witness before named, and

whose name appear 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 21 day of June, 1913.

(L. S.)

J. H. Street
Clerk of the Chancery Court

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 _____ County, Texas.
Before the Honorable County Judge of said County.

EX PARTE

Ed. A. Mosley, Jr.

Applicant for Confederate Pension

DEPOSITION

J. H. South

Witness for Applicant

Filed _____ day

of _____ 19 _____

Clerk.

By _____ Deputy.

Fee for Taking Deposition, \$ _____


VON BOECKHAW-JONES COMPANY, PRINTERS, AUSTIN, TEX.

- (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.

The State of Texas *
County of Kaufman. *

I, James A. Cooley County Judge of Kaufman
County, Texas, hereby certify that R. P. Yates and J. W. Hitt
are each well known to me to be credible citizens of Kaufman
County, Texas, and that each of the said named are trustworthy
and entitled to credit and worthy of belief.

Given under my hand and official seal this the 26th day of June,
1914.


County Judge Kaufman County, Texas.

28339

ADJUTANT GENERAL'S OFFICE

JUL -6

2182861

1914

WAR DEPARTMENT

WAR DEPARTMENT,

THE ADJUTANT GENERAL'S OFFICE,
2182861 WASHINGTON, July 7, 1914.

Respectfully returned to the

Commissioner of Pensions,
State of Texas,
Austin.

The records show that one David A. McElwain (surname also borne as McIlvaine and as McElwayne, but name not found as D. A. McElwain), private, Company A, 2d Mississippi State Cavalry, C.S.A., enlisted December 15, 1862, at Ripley, Mississippi; that he was captured May 22, 1863, at Ripley, and was released June 11, 1865, at Fort Delaware, Delaware, on taking the oath of allegiance.



The Adjutant General.

Austin, Texas,

Sept. 7, 1937

Re Estate of D. A. McElwain, Confederate Home

To Chas. B. Cook, Jr.

Undertaker and Embalmer
11th and Colorado Streets

Phones 4351 and 5451

Hospital Motor Ambulance

To Casket and Box	\$30.00
Suit	25.00
Embalming	25.00
Opening grave	7.50
Lining grave & equipment	12.50
	<u>\$100.00</u>

STATE OF TEXAS
COUNTY OF TRAVIS

0

BEFORE ME this day personally
appeared H. J. Brown, Manager for
Charles B. Cook, who under oath states the above account
is true and correct and the property of the deponent.

TX

H. J. Brown
Notary Public in and for Travis County
Texas

(2833)

APPLICATION FOR MORTUARY WARRANT

THE STATE OF TEXAS,

County of Travis } I, Chas B. Cook
do hereby certify that I am the person to whom is entrusted the paying of the accounts and indebtedness of the late D. C. McElwain, who was a pensioner of the State of

Texas, and whose file number was H. 1095 and whose original county was Henderson

The said pensioner D. C. McElwain, died on the 4th day of Sept., 1937, in the town of Austin

County of Travis, Texas.

The pensioner died in the home of The Confederate Home who was related to the pensioner as Friend

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 D. C. McElwain

I further certify that the warrant for the current month has not been cashed by the pensioner, to the best of my knowledge and belief.

I am related to the pensioner as Friend & Undertaker that my postoffice address is 1100 Colorado St.

Austin,
City

Street or R. F. D.

Tex.
State

Signed Chas B. Cook

Sworn to before me this 4 day of Sept., 1937

Notary Public in and for Travis State of Texas.

CERTIFICATE OF UNDERTAKER

I, A. J. Brown, do certify that I am undertaker in the town of Austin, County of Travis, State of Texas that I had charge of the body of D. C. McElwain, who died in the town of Austin, County of Travis, State of Tex. on the 4th day of Sept., 1937. That said body was prepared for burial by me on the 4th day of Sept., 1937, and that I am of the opinion that warrant herein applied for should be issued to the said Chas B. Cook who makes the foregoing application.

Signed A. J. Brown
Undertaker.

CERTIFICATE OF PHYSICIAN

I, _____, do certify that I am a practicing physician, and that I attended _____ in his last illness, and am of the opinion that his ailments were _____

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 _____

