

15440

FORM A

Soldier's Application for Pension

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

Deo S.
4-10-25
Name of Applicant.

F M Rushing

Kendrew County

Postoffice *Others*

Filed

Approved

AUG 31 1909

Pension allowed from

Rejected

Commissioner of Pensions.

VON BOECKMANN-JONES CO., PRINTERS, AUSTIN

FORM A

For use of Soldiers, who are in indigent circumstances

THE STATE OF TEXAS }

County of Henderson }

I, F. M. Rushing, 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 I was paroled at Maudslaw, Mississippi about June, 1865.

(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 in 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? 65 years
2. Where were you born? In Pontate County, State of Miss.
3. How long have you resided in Texas? 44 year
4. In what county do you reside? Henderson
5. How long have you resided in said county and what is your postoffice address? 42 years Athens
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? Farming
8. In what State was the command in which you served organized? In Mississippi
9. How long did you serve? Give, if possible, the date of enlistment and discharge. May 1, 1862 - 3 years July 1, 1865
10. What was the letter of your company, number or name of battalion, regiment or battery? Company H. 38th Mississippi
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? Infantry

TX

13. If commissioned direct by the President, what was your rank and line of duty? Private
14. If detailed for special service, under the law of conscription, what was the nature of your service and how long did you serve? No
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)

Sworn to and subscribed before me, this 19 day of July, A. D. 1919

[SEAL.]

County Judge Henderson County, Texas.

AFFIDAVIT OF WITNESSES

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

THE STATE OF TEXAS }

County of Henderson }

Before me John S. Prince, County Judge of Henderson County,

State of Texas, on this day personally appeared _____, who are personally

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

Rushing the above named applicant for a pension, and that they personally know that the said F M

Rushing 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.

(Signature of Witness)

(Signature of Witness)

Sworn to and subscribed before me, this 31 day of July, A. D. 1919

[SEAL.]

County Judge Henderson 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

15440

INTERROGATORIES TO WITNESSES IN PENSION CLAIMS.

691-609-2M

EX PARTE

F M Rushing
Applicant for Confederate Pension.

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

The Honorable County Judge of *Hudson* 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 *J. T. Mator*
and *Sabine* who reside in the County
of *Sabine* in the State of *Louis* 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 her 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
Hudson and State of Texas, of which she is a bona fide resident.

F M Rushing
(Applicant's) Attorney for Applicant.

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

- J T Mator*
- 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 *F M Rushing* whose
widow is an applicant for pension under Act of March 26, 1909?
- INT. 3. How long had you known the said *F M Rushing*
and when and where did you first know him?
- INT. 4. Do you personally know that the said *F M Rushing*
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 *F M Rushing*
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 *F M Rushing*
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 *F M Rushing* 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.....

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

TX

not you know any other soldier or sailor of the same name as said _____
 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 _____
 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 _____
 is the identical person serving as testified by you?

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

THE STATE OF TEXAS,

County of Harris
 I, John S. Price

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.

John S. Price
 County Judge, Harris County, Texas.
F. M. Rusher
 (Applicant) Attorney _____ for Applicant.

In Re
 Application for Confederate
 Pension.

FOR USE OF WIDOWS.

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

EX PARTE
F. M. Rusher
 Applicant.

INTERROGATORIES
 propounded to
J. S. Price
 Witnesses.

 WITNESSES.

Subscribed and sworn to before me, this 28 day of July, 1909

J. J. McAdory

THE STATE OF Texas

County of Sabine

Esopicio Notary Public

I, B. N. Beall J. P. and
(Here give name and official character of officer before whom taken.)

J. J. McAdory

do hereby certify that and is personally known to me to be credible citizens of said County and State, and that the foregoing answers of J. J. McAdory 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) J. J. McAdory

Given under my hand and official seal, this the 28 day of July, 1909

(L. S.)

B. N. Beall J. P. and

Esopicio Notary Public Sabine County 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.

File No. _____
Hudson County, Texas.
Before the Honorable County Judge of said County.

EX PARTE

J. J. McAdory
Applicant for Confederate Pension

DEPOSITION
OF

J. J. McAdory

Witness for Applicant

Filed _____ day _____

of _____ 190 _____

Clerk.

Deputy.

Fee for Taking Deposition, \$ _____

VON BOECKMANN-JONES COMPANY, PRINTERS, AUSTIN, TEXAS

Lined area for deposition text.

- (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.

694-609-5m

EX PARTE

IN RE APPLICANT FOR CONFEDERATE PENSION

F. M. Rushing

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)

J. J. Madar
Age 64 years old in November 1909 Residence
Sabine County Texas Post office address Geneva
Texas

to the accompanying interrogations ~~of~~

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

E. H. Beall J. P. & Commissioner

in accordance with the accompanying (7)

To the first interrogatory the said

Witness, answers

J. J. Madar age 64 years old Residence
Sabine County Texas Post Office Geneva
Texas, I personally know *F. M. Rushing*. I know
him from a boy I first knew him in *Mississippi*
I know that *F. M. Rushing* enlisted in the Service
of the Confederacy and performed the duties of
a soldier. I know that the said *F. M. Rushing*
enlisted in Company H. of the 38 ~~Regiment~~
Mississippi Regiment and served in the Confederate
Army in 1862 in *Mississippi* about 3 years in
service the said *F. M. Rushing* served as a
private soldier. The said *F. M. Rushing* served
from some time in 1862 to the close of the Civil
War between the States.

TX



E. A. BOLMES, Commissioner

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 F. M. Rushing who is reported to have enlisted in
Company H, Regiment 38th Mississippi Infantry
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. Bolmes

Commissioner of Pensions.



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

1568584

WAR DEPARTMENT,


THE ADJUTANT GENERAL'S OFFICE,

WASHINGTON, Sept. 20, 1909.

Respectfully returned to the

Commissioner of Pensions,
State of Texas,
Austin.

The records show that F. M. Rushing
private, Company H, 38th Mississippi
Cavalry (formerly Infantry), Confed-
erate States Army, enlisted April 24,
1862, and that he was surrendered at
Citronelle, Alabama, May 4, 1865, and
was paroled at Meridian, Mississippi,
May 14, 1865.


The Adjutant General.

APPLICATION FOR MORTUARY WARRANT

STATE OF TEXAS,
County of Henderson } I, Wiley Rushing

do hereby certify that I am the person to whom is entrusted the paying of the accounts and indebtedness of the late Frank M. Rushing, who was a pensioner of the

State of Texas, and whose file number was 15440 and whose original county was Henderson

The said pensioner Frank M. Rushing, died on the 2nd day of April, 1925, in the town of Athens

County of Henderson, Texas.

The pensioner died in the home of Wiley Rushing who was related to the pensioner as son

That the warrant, which application is hereby made for, shall be applied to paying all or part of the expenses incurred by the said pensioner Frank M. Rushing

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. son

I am related to the pensioner as (Friend) son that my postoffice address is Malakoff Texas

Street or R. F. D.

City

Signed

State

Sworn to before me this 14th day of April, 1925

County Judge

~~Notary Public~~

Henderson

State of Texas.

CERTIFICATE OF UNDERTAKER

I, Sam Gentry, do certify that I am undertaker in the town of Malakoff County of Henderson State of Texas that I had charge of the body of Frank M. Rushing who died near the town of Malakoff County of Henderson State of Texas on the 2nd day of April 1925. That said body was prepared for burial by me on the 2nd day of April 1925, and that I am of the opinion that warrant herein applied for should be issued to the said Wiley Rushing who makes the foregoing application.

Signed

Sam Gentry Undertaker.

CERTIFICATE OF PHYSICIAN

I, James C. Hodge, do certify that I am a practicing physician, and that I attended Frank M. Rushing in his last illness, and am of the opinion that his ailments were Valvular Heart Lesion

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

James C. Hodge M.D.
Athens Texas

TX

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

4-10-25-

15440

