

DEPOSITION IN PENSION CLAIMS, with Caption and Certificates.

1170-1109-3m

EX PARTE

IN RE APPLICANT FOR CONFEDERATE PENSION

Joe M. Smith

Under Act March 26, 1909, pending

Henderson

Applicant for Confederate Pension.

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

Answers and depositions of (1) J.W. Smith

Joe M. Rankin Co. miss. yes

to the accompanying interrogations (2) and cross interrogatories
propounded to him in the above entitled cause taken before (3)
in accordance with the accompanying (7) agreement

To the first interrogatory the said J.W. Smith

Witness, answers *How is J.W. Smith an 71 years old: address Joe. Miss.*

To 2nd Int. he answers: "" *yes*

To 3d Int. he Ans: *all of his life*

To 4th Int. he Ans: *yes*

To 5th Int. he Ans: *company B. on 18 miss. in 1862 Jackson miss. 3 years*

To 6th Int. he Ans: *He was a Private Soldier in my understanding*

To 7th Int. he Ans: *220*

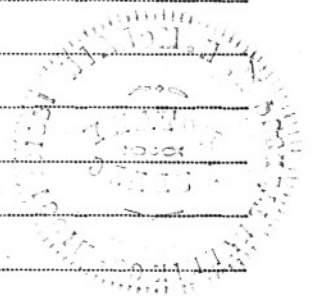
To 1st Cross-Int. he Ans: *Because we are Brothers, and Lived together at the commencement of war, no other*

To 2nd Cross-Int. he Ans: *yes*

TX

To 3d Cross-Int. he Ans: *I Da*

To 4th Cross-Int. he Ans: *He Did not*



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.

Subscribed and sworn to before me, this 23 day of November, 1911

O. W. Smith

THE STATE OF Miss.
County of Rankin

I, W. H. McTear, D.P.
(Here give name and official character of officer before whom taken.)

do hereby certify that J. W. Smith
and _____ are personally known to me to be credible citizens of said
County and State, and that the foregoing answers of J. W. Smith
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. W. Smith

Given under my hand and official seal, this the 23 day of November, 1911

(L. S.)

W. H. McTear, D.P.

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

EX PARTE

J. W. Smith
Applicant for Confederate Pension

DEPOSITION
OF

J. W. Smith

Witness _____ for Applicant

Filed _____ day

of _____ 19 _____

Clerk.

By _____ Deputy.

Fee for Taking Deposition, \$ _____

EX PARTE

Joe M. Smith
Applicant for Confederate Pension.

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

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

Joe M. Smith,
(Applicant) Attorney for Applicant.

Direct Interrogatories to be Propounded to the Witness.

J.W. Smith of Joe, Miss.

- 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 Joe M. Smith who
is an applicant for pension under Act of March 26, 1909?
- INT. 3. How long had you known the said Joe M. Smith
and when and where did you first know him?
- INT. 4. Do you personally know that the said Joe M. Smith
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 Joe M. Smith
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 Joe M. Smith
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 Joe M. Smith 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.W. Smith of Joe, Mississippi.

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

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

THE STATE OF TEXAS, }

County of Henderson

I, John S. Prince, 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. Prince,
County Judge Henderson County, Texas.

Joe M. Smith.
(Applicant) Attorney.....for Applicant.

In Re
**Application for Confederate
Pension.**

FOR USE OF SOLDIERS OR WIDOWS.

Henderson County, Texas.

Pending before the County Judge of said County.

EX PARTE

Joe M. Smith,
Applicant.

**INTERROGATORIES
propounded to**

J. W. Smith.

Witnesses.

CERTIFICATE OF STATE AND COUNTY ASSESSOR .

I, W. H. Davis, State and County Assessor in the county of Henderson, State of Texas, do certify that Joe M. Smith or his wife, or his Trustee, for his wife whose name is signed to the foregoing application for a pension, under the Acts of the Thirty-First Legislature, approved Mch. 26, 1909, is charged on the land and personal property rolls of said county with estate, real, personal and mixed, at the assessed value of 720⁰⁰ Dollars. (TX)

Given under my hand, this 21 day of Aug. A. D. 1912.

W. H. Davis

State and County Assessor.

22079

John S. Prince
Attorney at Law
Abilene, Texas

COUNTY JUDGE
HENDERSON COUNTY

April 14, 1934.

17

Postmaster,
Grapevine, Texas.

Dear Sir:

On March 31, 1934 a Confederate Pension Warrant was mailed to Mr. Joe M. Smith, 1329 Evans Avenue, Fort Worth, Texas, and Mr. Smith Having left Fort Worth ordered his mail forwarded to Grapevine, Texas.

It appears from a letter from the Postmaster at Fort Worth, Texas, that the pension warrant may have been forwarded with other mail addressed to Mr. Smith, and I am asking that you please make some investigation and furnish this office with information as to whether or not the letter contained the pension warrant has been delivered to Mr. Smith.

An early reply will be appreciated.

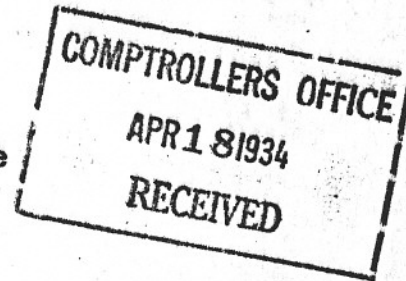
Yours very truly,

JHT:E.

Comptroller of Public
Accounts.



United States Post Office
Grapevine, Texas.
April 17, 1934.



Mr. Geo H. Sheppard,
Comptroller Public Accounts
Austin, Texas.

Dear Sir;-

Your letter dated April 14, Division #17, regarding
Confederate Pension Warrent for Mr. Joe M. Smith received.

I requested the rural carrier on Route #1 to make
inquiry of MR. Smith's daughter, Mrs. W. M. Keller, regarding this
mail. Mrs Keller advises the check has not been received care
of J. J. Carlisle route #1 or any other place. I understand
this was the forwarding address given in Fort Worth, Texas.

I think the letter has not been received at
Grapevine, office.

Yours Sincerely

Mrs Sue Mullins Act.

Mrs Sue Mullins
Acting Postmaster

efforts were not in vain.

season long you may in the legislation and your
legislative and other efforts. May your committee
continue to follow the path of duty and
you have endured and suffered without the least of

1329 Evans Lane

for you?

For Mr. Smith

Card to O. M.

moment of the great and noble I hope it may
be a blessing and as this message approaches I am
very glad to see it and I am glad to see you since
the greatest blessing of all the world is

Mr. Smith on 4-9-34

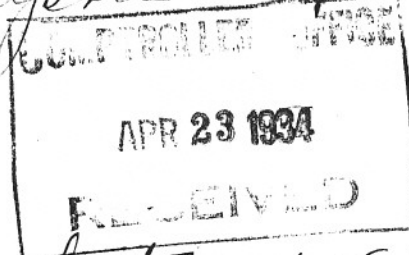
My dear friend:

TX

My dear Friend:

I am happy to greet you again at Christmas, the gladdest, merriest time of all the year. It has been my delight and privilege to serve you since last Christmas, and as this Yuletide approaches I am mindful of the cheer and happiness I hope it holds for you.

Yours has been a life of unselfish service. You have endured and suffered without the favor of fortune. You have followed the paths of duty uncomplainingly and with fortitude. May this Christmas season find you happy in the realization that your efforts were not in vain.

Grapevine, Tex.
April 20, '34.Hon. Geo. H. Sheppard —
Austin, Tex.

Dear Sir —

Replying to your letter of 18th
 in regard to Joe M. Smith's March
 pension warrant.

You say, if on investigation, I find the
 warrant was not delivered to the J. H. Worth
 address to notify you — The J. H. Worth
 P.O. had instructions more than a
 week before Apr. 1st — to forward his
 mail to Grapevine, if they delivered
 it to the 1329 Evans Ave. address, they
 delivered it to an empty house, unless
 others than my father and I occupied it.
 I am at a loss to know what to do
 further — This bond, in double
 the amount of warrant, will you
 please explain it — I do not under-
 stand it fully — And I know there
 will be much explaining to do to
 him — As for myself — I take it for
 granted it is all right but he is
 like a child — only a child grown old.
 I want to make the reason for it
 clear to him —

Yours Very Truly — Mrs. W. M. Keller. (TK)

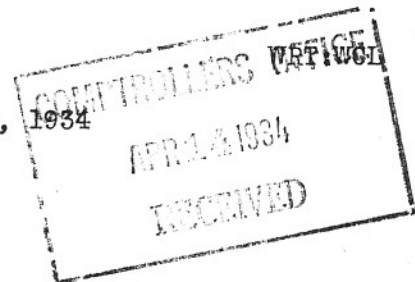
MAILING DIVISION

United States Post Office

FORT WORTH, TEXAS

IN REPLY PLEASE REFER TO
INITIALS AND DATE

April 13, 1934



Geo. H. Sheppard,
Comptroller of Public Accounts,
Austin, Texas

My dear Sir:

In reply to your letter of the 12th instant, JHT:E, Division No. 17, relative to a pension letter addressed to Joe M. Smith, 1329 Evans Avenue, this city, mailed on March 31, 1934, and requested returned on April 9, 1934, and having further reference to letter from this office under date of April 11, signed by Mr. Stephenson, you are advised that employees of this office are familiar with the Regulations governing the handling of pension letters and particular attention is given to the printed instructions as to delivery and forwarding of such pension letters.

It is a fact the carrier serving the above number has an order on file to forward Mr. Smith's mail to Grapevine, Texas, dated March 23, 1934, and all mail received by him addressed to the above party is marked up with the new address and returned to the mails. City distributors then distribute the mails for dispatch and such letters as are not forwardable are thrown aside and pension letters not forwardable are given to the office of the Supt. of Mails for return to the Pension Bureau together with a letter of explanation as to reason for return.

We have no record of returning the letter in question and it may be possible that this letter was overlooked in making the distribution and through error forwarded to Grapevine. Would suggest inquiry be made of the Postmaster at Grapevine to ascertain if the letter had been delivered to the addressee through his office.

Sincerely yours,



Joe Powell

Acting Postmaster.

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April 12, 1934.

17

Mr. James Rowland, Acting Postmaster,
Fort Worth, Texas.

Dear Mr. Rowland:

I am in receipt of a letter dated April 11, 1934 signed, "James Rowland, Acting Postmaster, by Stephenson, Inquiry Clerk," which is in reply to a request from this office asking for the return of a Confederate Pension Warrant issued to Mr. Joe M. Smith 1329 Evans Avenue, Fort Worth, for the month of March, 1934. This letter states that the Carrier has forwarding orders on Mr. Smith's mail and all mailed received had been forwarded to him promptly.

I wish to call your attention to the fact that Article 6215 of the Texas Statute, as amended by the Forty-second Legislature makes it unlawful for any person to open these warrants or for the postmasters or other postal employees to deliver same to any person if the addressee is known to have died, removed, or if a widow, remarried, but in such cases all warrants should be returned to this office with a statement of the reason for non-delivery. This notice is given on the envelopes in which these warrants are mailed with a request that the warrants not be forwarded to any other postoffice.

I will appreciate it very much if you will advise your employees in the office to adhere to this notice as the law was passed by the Legislature in order to prevent the forwarding of warrants to pensioners who leave the State of Texas and remain for a greater length of time than allowed under the law.

Yours very truly,

JHT:E.

Comptroller of Public
Accounts.



April 18, 1934.

17

Mrs. W. M. Keller,
Grapevine, Texas.

Dear Mrs. Keller:

Replying to your letter of April 6
in regard to Confederate Pension Warrant issued
to Joe M. Smith for the month of March, 1934.

The warrant was addressed to Mr. Joe M.
Smith at 1329 Evans Avenue, Fort Worth, Texas,
and I am of the opinion the warrant was delivered
to this address from the Fort Worth postoffice.
However, I have a letter from the postmaster at
Fort Worth stating that the Fort Worth office
had a forwarding address and that the warrant
had probably been forwarded to Grapevine, Texas.

In a letter from the postmistress
at Grapevine, Texas, she states the warrant had
never reached her office, and neither has it
been returned to this office.

On investigation, if you find the
warrant was not delivered to the address given
in Fort Worth, then you should again notify this
office the warrant has been lost or destroyed,
and a bond will be mailed to Mr. Smith to be
executed in double the amount of the warrant, on
which bond, if approved, a duplicate warrant will
issue.

Yours very truly,

JHT:E.

Comptroller of Public
Accounts.



Smith

*March Warrant No
59222
Bond - 4-24-34*

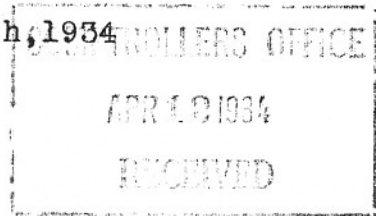
(Mr. Joe M Smith)

MAILING DIVISION

United States Post Office
Inquiry-Claim Section
FORT WORTH, TEXAS

IN REPLY PLEASE REFER TO
INITIALS AND DATE
Inq-JLS

April 11th, 1934



Mr. Geo H Shepperd,
Comptroller,
Austin, Texas

Attention-Pension Dept.

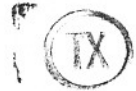
Dear Sir;-

In reply to your Card of 9th instant, asking return of Pension Warrant, mailed by you, on 3-31-34, to Mr. Joe M Smith, 1329 Evans Avenue, Fort Worth, Texas, wish to advise that Carrier has forwarding order on Mr Smith's mail, and all mail rec'd has been forwarded to him promptly, so it is presumed he has rec'd letter in question, as same is not on hand at P.O. or his former address.

Sincerely Yours

Jas. Rowland, Act'g Postmaster

By *Stephenson*
Inquiry Clerk



Card to O. M. &

Mr. Smith 4-9-34

Grapevine, Tex.

22079 Henderson April 6, '34.

Confederate Pension Bureau
\$25⁰⁰ Austin, Texas.

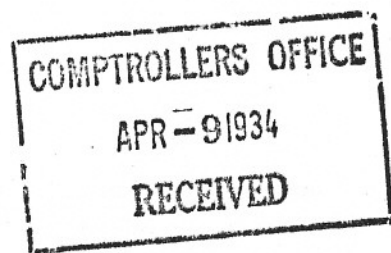
Dear Sirs —

My father Joe M. Smith
has moved with me, from 1329
Evans Ave. Ft. Worth, Tex. to
Grapevine, Tex. Rte 1. (~~Dr. Jay Carlile~~)
We wrote a card to the Ft. Worth P.O.
asking that his pension be forwarded
to Grapevine but as yet he has
not received it (the March pension)
Will you please duplicate his
warrant for March, and if the
original comes we will return it.
It has been misplaced, for it always
reaches him on the first. This is O.K.
He is nearly 90 yrs. old and has
been very ill, and worrying about
his pension doesn't help him to
recover. Please let me hear
from you soon.

Very Sincerely

Mrs. W. M. Keller
(his daughter)Joe M. Smith
(this is his signature)

Smith



22079 Hudson



THIS SIDE OF CARD IS FOR ADDRESS ONLY

~~George~~ Kyser Currier Pensioners
Austin
Tx

Fort Worth 8-15-13. Dear Sir - I wrote you
 over the address as given below about a month ago
 and receiving no answer repeat same here (10)
 Last fall just after the November election
 as a member of Co B 18 missing, making appli-
 cation for a pension in Henderson co and it
 was made by Judge Prince as Judge & he put it
 down before the election directing papers to be
 mailed me at Larue Henderson co - but have
 never heard from it. I moved to my present ad-
 dress the next mo - Dec 10 - directing my mail from
 Larue to be forwarded to me as below - but
 have never heard from it - Please let me know
 if it ever got there if so please mail to me at Hendley Tx
 Most truly Yrs M Smith Hendley Texas -

APPLICATION FOR MORTUARY WARRANT

THE STATE OF TEXAS,

County of Tarrant

I, Ethel Smith Clay

do hereby certify that I am the person to whom is entrusted the paying of the accounts and indebtedness of the late Joe M. Smith, who was a pensioner of the State of Texas, and whose file number was 22079 and whose original county was Henderson

The said pensioner Joseph Marion Smith, died on the 13th day of Oct, 19 34, in the town of Grapevine Tex R F D 1

County of Tarrant, Texas.

The pensioner died in the home of Mrs Jay Carlisle. Grand Daughter Of Deceased who was related to the pensioner as Grand Daughter

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 Joseph Marion Smith

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 Daughter that my postoffice address is 705 Travis Ave

Ft Worth

Street or R. F. D.

Texas

City

State

Signed

Mrs. Ethel Smith Clay

Sworn to before me this 16th day of Oct, 19 34

L R Secrest

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

Notary Public in and for Tarrant State of Texas.

CERTIFICATE OF UNDERTAKER

I, A F Spelman, do certify that I am undertaker in the town of Ft Worth, County of Tarrant, State of Texas that I had charge of the body of Joseph Marion Smith, who died in the town of Grapevine Tex R D 1, County of Tarrant, State of Texas on the 13th day of Oct, 19 34. That said body was prepared for burial by me on the 13th day of Oct, 19 34, and that I am of the opinion that warrant herein applied for should be issued to the said Spelman-Secrest Funeral Home who makes the foregoing application.

Signed

Spelman-Secrest Funeral Home

Undertaker.

TX

CERTIFICATE OF PHYSICIAN

I, E J Haege, do certify that I am a practicing physician, and that I attended Joe M Smith in his last illness, and am of the opinion that his ailments were Hypertrophy of Prostate with Hematuria

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

E J Haege M.D.

Physician's Address

415 Medical Arts Bldg
Fort Worth, Texas

Oct 15, 1934

22079