

(DUPLICATE)

# Questions for Applicant

STATE OF KENTUCKY,

Casey County.

Mary S Payne

of said State and County, desiring to avail herself of the pension allowed to Indigent Widows of Soldiers, General Assembly, approved March 18, 1914, hereby submits her proofs, and after being duly sworn true answers to make to the following questions, deposes and answers as follow:

1. What is your full name and where do you reside? (Give State, County and Postoffice.)

Mary S Payne Liberty Casey Co. Ky.

2. How long and since when have you been a resident of this State? since Dec. 18 66

3. When and where were you born and what was your maiden name? Watauga Co. N.C.

Oct. 29, 1846 Mary S. Foster

4. When and where was your husband born—state his full name, and where were you and he married, and who performed the marriage ceremony. (A copy of the marriage license or affidavits of two or more persons who know when the applicant was married to her husband, must accompany the application)

Caldwell Co. N.C. April 15, 1841

John Benton Payne Anderson Co. Ky.

5. When and where and in what Company and Regiment did your husband enlist or serve during the war between the States?

1861 Company A. 22nd N.C. Infantry

6. How long did your husband serve in said Company and Regiment? all during War

7. When and where did your husband's Company and Regiment surrender?

8. Was your husband present at the time and place when his Company and Regiment surrendered? yes No

9. If not with his command at surrender, state clearly and specifically where he was, when he left command, for what cause and by what authority? He was taken prisoner

10. When and where did your husband die? Nov. 30, 1922 Liberty, Ky.

11. At the time of your husband's death, were you living with him as his lawful wife? yes

12. Have you married since the death of your soldier husband? No

13. What property, real or personal, or income do you have or possess, and its gross value?

Real estate \$1500.

14. Have you a family? If so, who compose such family? myself and one

grand daughter

15. Name some friend, giving his name and postoffice address, who will be willing to have us write to him about your case if necessary

George B. Foster Liberty Ky.

Sworn to and subscribed before me, this, the

23 day of January, 1923

of Casey County.

George Garner CC

By J R Bell. D.S.C

# Questions for Witnesses

STATE OF KENTUCKY,

Casey County.

W. L. Foster Mollie Foster, of said State and County, having been presented as a witness in support of the application of Mrs. Mary S. Payne for a pension under Confederate Pension Law, approved March 18, 1914, after being duly sworn, true answers to the following questions, deposes and answers as follows:

1. What is your name and what is your postoffice address? W. L. Foster  
Mollie Foster Liberty Ky.
2. Are you acquainted with the applicant, Mrs. Mary S. Payne yes  
If so, how long have you known her? 50 years
3. Where does she reside, and how long and since when has she been a resident of this State? Liberty  
Casey Co. Dec. 1866
4. Were you ever acquainted with her husband? yes
5. Were either or both of you present at the marriage? No.
6. How long did you know him? 70 years
7. When and where did Benton Payne enlist in the war between the States, and in what Company and Regiment did he enlist, and how do you know this? 1861 Lenoir  
Galdwell Co. N.C. Company A 2nd N.C. Infantry  
I was present when he enlisted.
8. Were you a member of the same Company and Regiment at the close of the war? No
9. How long did he perform regular military duty? all during Civil war
10. When and where was his Company and Regiment surrendered? Appomattox Court  
House Virginia
11. Were you with the command when it surrendered? yes
12. Was Benton Payne, the husband of applicant, present?  
No
13. If not present, where was he? He was a prisoner
14. When and where did he leave his command? a few days before surrender  
For what cause? Captured. (Petersburg Vir.)  
By whose authority did he leave? He was captured
- How do you know all this? (State fully and clearly.) W. L. Foster was  
present at the surrender
15. When and where did Benton Payne die?  
Nov. 30, 1922 Casey Co. Ky.
16. Where did he reside at his death, and how long had he been a resident of Kentucky at his death?  
Casey Co. Ever since 1866
17. Do you know of your own knowledge that applicant is the lawful widow of Benton Payne?  
yes

18. Has she remained unmarried since her soldier husband's death, and is she now his widow? yes

19. What property, effects or income has the applicant, if any, and how do you know this of your own knowledge? I live a near neighbor and know that she has no income.

Has applicant conveyed any property, in the last two years or given any away, if so, what was it, and to whom? No

NOTE.—Let the witness who can answer the greatest number of questions do so; then let the other witness state in the space below how much of the testimony of the first witness he concurs in, and whether or not he can answer any of the questions not answered by the first witness.

Sworn to and subscribed before me this 23 day of January 1923  
George P. Gannace  
By J. R. Bell D.C.

W. L. Foster  
Mollie Foster  
Witnesses.

THE FOLLOWING CERTIFICATE OF THE COUNTY JUDGE MUST BE FILLED OUT WHETHER THE APPLICANT OWNS ANY TAXABLE PROPERTY OR NOT.

I, Oscar Fair Judge of Cass County, Kentucky, hereby certify that the property assessed on the tax books of this County to Mrs. Mrs Mary S Payne the widow of Benton Payne amounts to \$ Oscar Fair real estate and \$ personal Trustee.  
For Cass County, Ky.

Certificate of Clerk of Court or Notary Public

STATE OF KENTUCKY,

Cass County.

I, George P. Gannace Clerk or Notary Public, in and for said county, hereby certify that the applicant, Mrs. Mary S. Payne resides in said county, and has been a bona fide resident of this State since the Dec day of 1866 and that the witnesses, Mr. W. L. Foster Mollie Foster are of trustworthy character, and that their statements are entitled to full faith and credit.

I do further certify that before answering the foregoing questions, the applicant and said witness took the oath herein prescribed, and the full text of the affidavits was read to the applicant and witnesses before the same was signed and subscribed.

Witness my hand and official seal this 23 day of Jan 1923

(SEAL)

George P. Gannace  
By J. R. Bell D.C. County.

- Note—1. Before any questions are answered, the Clerk or Notary shall swear applicant and the witnesses in the following words: "You do solemnly swear that you will true answers make to each of the questions asked of you, and the evidence you shall give will be the whole truth; so help you God."
- 2. Additional affidavits may be attached, if blank spaces are insufficient.
- 3. All affidavits must be made before an officer using a seal.
- 4. Only widows who were the wives of soldiers need apply—and are now widows. Those married since Jan. 1st, 1890, not entitled.
- 5. Two witnesses are necessary to make out claims.
- 6. Attach certified copy marriage license in every case, or certificate of County Court Clerk, under seal, that license is filed in his office duly certified by officiating minister, or the affidavit of the officiating minister, or the affidavit of a witness of the ceremony, or the affidavit of two witnesses who knew them as man and wife, prior to January 1, 1890, and knew that they were living together on the date of his death.

NOTICE TO APPLICANTS.

The Widows' Pension Law, passed by the Kentucky Legislature, provides for the widows of *soldiers only*, and they must have been residents of the State of Kentucky since January 1, 1907.

Widow must have married prior to 1890.

To be eligible the applicant must have remained a widow after the death of her soldier husband, and must be indigent.

Read the questions in the application carefully and answer them fully.

Read the law, and unless you come clearly under the laws it will be useless to file application.

2457  
No. 4215-

Widow's  
Indigent Pension

Name Mary A Payne

Filed Mar 19, 1923

Widow of A. B. Payne

Approved July 16-  
1923

L. P. Geary, Com.  
All blanks on this filing to be filled by the Pension Board.

Mary S. Payne.

Widow of Benton, Payne.

Who enlisted May 30, 1861.  
in Co. "A" 22nd, North  
Carolina Inf't. and was  
captured April, 3rd, 1865  
and released June 19th, 1865

proven by the records.

(Property)

) \$1,500)

*R. D. George* (Comm)

MARRIAGE BOND.

THE COMMONWEALTH OF KENTUCKY.

BE IT KNOWN, that we, Benton Payne as principals, and J.C. Summerrow as surety, are jointly and severally bound to the Commonwealth of Kentucky, in the sum of One Hundred Dollars.

THE CONDITION OF THIS BOND IS AS FOLLOWS:

~~That, whereas, Marriage is intended to be solemnized between the above bound~~  
Benton Payne and Miss Mary Foster

Now, if there is no lawful cause to obstruct said marriage, the bond shall be void, otherwise it shall remain in full force and effect.

Dated at Lawrenceburg Anderson County, this 23rd day of February 1867,

Attest:

his  
Benton X Payne  
mark

James M. Posey  
Clerk.

Anderson County Court.

J.C. Summerrow

MALE.

1. Date of marriage, Feby 25, 1867
2. Name of Groom, Benton Payne
3. Residence of Groom. Anderson County Ky
4. Age of Groom. 33 years
5. No. of marriage of Groom. 1st.
6. Occupation, Tanner
7. Birth-place of Groom, Caldwell Co. N.C.
8. Birth-place of Groom's Father. North Carolina.
9. Birth-place of Groom's Mother. Alexander Co. N.C.

FEMALE.

10. Name of Bride, Ann W. Moore.

11. Residence of Bride. Anderson County Kentucky.

12. Age of Bride. 25 years.

13. No. of marriage of Bride, first

14. Birth-place of Bride. Anderson County Kentucky

15. Birth-place of Bride's Father, Anderson County Kentucky

16. Birth-place of Bride's Mother, Anderson County Kentucky

17 Remarks,-----

N.B.-At nos. 5 and 13, state whether first, second, &c., marriage of each or  
either parties.

To be married at Smith Mower

On 26th day of February 1867.

I certify that the above is correct to the best of my knowledge and belief.

Witness my hand, this 22d day of Feby 1867.

his  
Benton ~~Payne~~.  
mark

Attest: James M. Posey, Clk.



J. BOYLE STONE  
ATTORNEY-AT-LAW  
Liberty, Kentucky

June 1, 1923

Commissioner of Pensions,

Frankfort Ky,

Dear Sir:

In the matter of the application of Mary Payne widow of Bennet Payne decd, for a pension said Bennet Payne being a pensioner at the time of his death, I am enclosing you an attested copy of the record obtained from the Anderson county court, which as you will see shows the isual of the marriage license, She has been unable to find of record the certificate of marriage, this results I have no doubt from the failure of the minister who performed the ceremony failing to return a certificate of the marriage to the county clerks office, I know that to be the case in this county, Bennet Payne and his wife lived in this county many years prior to his death, raised a family, his wifes family living near them for thirty years or more, there is no one living so far as his widow knows who was present at their wedding, it having occurred morex than fifty years ago, they are people who have always been respected, there is no doubt as to their having been married but they are unable to furnish record proof of the fact, or proof by any one personally present as they are all dead, As the widow is in indigent circumstances I would be glad if she could get her "widows mite" and if you will kindly suggest what other character of proof will suffice I will appreciate the fact,

Yours truly

*J. B. Stone*