

WAR OF 1861.

Act of July 14, 1862, and July 23, 1866.

CLAIM FOR WIDOW'S PENSION, WITH MINOR CHILDREN.

BRIEF in the case of

Murtha Lewis

Widow of

Infantry Lewis, Sergeant Co. E, 5th Regt. W. S. C. CavalryResident of *Franklin* County, and State of *Kentucky*Post Office address: *Bridgeport, Franklin Co. Ky*

DECLARATION AND IDENTIFICATION IN DUE FORM

PROOF EXHIBITED.

Service

*Reported by Adjutant General, U. S. Army**Enrolled Sept. 9, 1864*

Death

*M. Lewis in action at Campsville, Ky, January 25, 1865**Shown by testimony of two of his comrades, who saw his body after death, that he was killed in above action.*

Marriage

Testimony of reputable citizens proved cohabitation as husband and wife for over one year and during the time when the following children were born -

Names and dates of birth of children.

<i>Norah</i>	born Novem. 16 th 1869	who will be 16 years old	December 16 th 1885
<i>McCallum</i>	March 19 th 1864		March 18 th 1880
	18		18
	18		18
	18		18
	18		18
	18		18
	18		18

Proof of age

Testimony of midwives & others present.

Legality

Shown

Agent, and his P. O. address.

Dr. G. Hatchett, Franklin Co. Ky

Issue certificate for *Eight* dollars per month, commencing *January 25th 1865*, and two dollars per month additional for each of the above named children, commencing *the twenty-fifth day of July 1866*.

Passed

*December 9th 1868**P. H. Berkaw*

Examiner.

APPROVED:

S. F. S.

Servants and Subscribed before me by the above
named Martha Lewis and the returning Magistrate, Clerk
James H. Heston, who are respectable and entitled to credit
I have no objection to this claim. William H. Heston, Clerk
for attorney. Servant to "H. in private" ex parte "Martha" &
John Lewis. How long it is possible to make a Magistrate
to make a return. I have no objection to this claim. I have no objection to this claim. I have no objection to this claim.
This claim is made this 20th August 1867. This declaration
and statement read out and understood by parties.

Attest, Per me, Judge
of the Franklin County Court.

State of Kentucky, County of Franklin Set.

I, H. P. Kinnel, Clerk of the County Court, in and for the
County of Franklin, do hereby certify that L. Wood
Esq., before whom the foregoing affidavits were made, and
who has thereto signed his name, was at the time of so
doing, a Judge of the County Court in and for the County and
State aforesaid duly commissioned and sworn, and that his
signature thereto is genuine.

In witness whereof, I have hereto signed
my name, and affixed my official seal this
31st day of January, 1867.

H. P. Kinnel, Clerk
Franklin County Court.

WIDOW'S CLAIM

For
PENSION.

Act of July 14th 1862, Sec. 2560

Martha Lewis widow

Paymaster General

U. S. Dept. of Int. Affairs

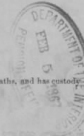
W. B. Heston, Attorney

Franklin County

Martha Lewis

INSTRUCTIONS.

1. I have specified the time, place, and name of death.
 2. If she has remained and again become a widow, the fact must be stated.
- The declaration must be made before an officer of a Court of Record, who is authorized by law to administer oaths, and has custody of its seal.



Adjutant General's Office,

Washington D. C.,

April 5, 1867.

Sir:

I have the honor to acknowledge the receipt from your Office of application for Pension No. 141,704, and to return it herewith, with such information as is furnished by the files of this Office.

It appears from the Polls on file in this Office, that Benjamin Lewis was enrolled on the 9th day of September 1864, at Camp Nelson Ky in Co. 5th Regiment of U. S. C. Cavalry Volunteers, to serve three years, or during the war, and mustered into service as a Sergeant on the 9th day of September 1864, at Camp Nelson Ky, in Co. 5th Regiment of U. S. C. Cavalry Volunteers, to serve three years, or during the war. On the Mustered Poll of Co. "E" of that Regiment, for the months of January & February 1865, he is reported "Missing in action at Simpsonville Ky since Jan'y 25th 1865."

No record of death on file in this Office.

I am, Sir, very respectfully,

Your obedient servant,

W. J. Faggard

The Commissioner of Pensions
Washington D. C.

Assistant Adjutant General. Vol.

Memoranda

Name of applicant

Address

H. B. T.

State of Kentucky }
COUNTY OF Franklin } ss.

In the matter of claim for... Pension
of Martha Lewis widow of Benjamin Lewis
a private
of Company B 3rd Regiment M. I. Col. Cav Vols:

Personally came before me, a Notary Public in and for
aforesaid County and State John Corsey
citizen of the County of Franklin, State of Kentucky, reputable

and entitled to credit, and who, being duly sworn, declare in relation to aforesaid claim, as follows:

That they were well acquainted with
Benjamin Lewis late of Co C 5th Regt M
Col Cav. Affiants were members of the
same Company. In the winter of 1865
the month of February to the best of their
recollection now the said Company
was detailed to guard cattle for
the army from the neighborhood of Camp
Belton to Louisville Ky and when
near Simpsonville in Shelby County
Kentucky the were attacked by
rebels and in the fight which then
took place the said Benjamin
Lewis was killed. Affiants said the
body of Benjamin after he was shot
and killed. They said were along
with said Company and make those
statements from a personal knowledge
of the facts Benjamin was killed
while in the regular line of his duty.
Ben was participating in the fight when
he was shot.

.....further declare that.....no interest in said claim, and.....not concerned in its
prosecution.

Attest—when any affiant signs by mark, (2 persons.)

<u>Russell Snod</u> <u>Clay Matchette</u>	Signature of Affiants.	<u>John Corsey</u> <u>mark</u> <u>George Henry</u> <u>mark</u>
--	------------------------------	---

SWEAR TO AND SUBSCRIBE HEREON at this day by the above named affiant, and I certify that I read said affidavit to said affiant, and acquainted them with its contents before they executed the same. I further certify that I am in no way interested in said claim, nor am I concerned in its prosecution. *The above "Swear"*

sworn before signing

Witness my hand and official seal this *28th* day of *July*, 1868

AND SEAL HERE

Sign here

James William Gentry
Martha County, Ky

Note—This should be sworn to before a CLERK OF COURT or JUSTICE OF THE PEACE. If before a JUSTICE, then CLERK OF COUNTY COURT must add his certificate of character on the back hereof, and not on a separate slip of paper.

I, *James William Gentry* Clerk of the County Court in and for Marshall County and State, do certify that *James William Gentry* who has signed this number foregoing affidavit, was at the time of so doing a *Marshall County, Ky* in and for said County and State, duly commissioned and sworn; that all the official acts are entitled to full faith and credit, and that his signature hereunto is genuine.

Witness my hand and seal of office, this *30th* day of *August*, 1868

James William Gentry
Clerk of the *Marshall County, Ky*

George Manors

CLAIM FOR

Pension—
Regt Lewis Co E
5th U S Cal Cav
Martha Lewis
Applicant

AFFIDAVIT

Death of Soldier

FILED BY
Isabel Karchett
Kanawha
Ky

Printed and sold by W. H. Moore, 404 13th st, Washington, D.C.



State of Kentucky, County of Franklin, ss.

On this 21st day of August A.D. 1866, personally appeared before me Presiding Judge of the Franklin County, Charles W. Menzies, a resident of Franklin County, aforesaid, who being first duly sworn according to law, in oath, says, that he has for about ten (10) years well known Martha Lewis as well as her husband Benjamin Phippy alias Lewis, who is known to him as a Colored Soldier in the U. States army & reported to have been a member of Co. C. of the 5th U.S. Colored Infantry in the war of 1861 & that they lived & cohabited together as husband & wife for several years before and up to the time of said Soldier's enlistment into the the said service, never having heard said Comingship questioned, that they were regarded as man & wife by their neighbors, Acquaintances, - that they had two children in said wedlock, named Nora and Mclellan and known to this witness, are born about the year 1859 & the other about the year 1864, that the age of the

witness is truly free and he resides as stated -
That he has no interest in the claim for
pension - *C. H. Menzies*

Seem to be subscribed before on this 21st
day of August A. D. 1866, and I certify
that the witness is respectable & entitled to
Credit, & that I have no interest herein -
Before executing the "executed" all "21" herein
subscribed for 20th - *C. H. Menzies*

*L. Hurd, Presiding Judge
of Franklin County Court.*

State of Kentucky
County of Franklin E. ss.

I, A. H. Pennington, Clerk of the County Court within for the
County of said aforesaid, certify that L. Hurd Esq. whose name is
depicted to the foregoing affiant, was at the time of taking the
same, an acting, Presiding Judge of the County Court of Frank-
lin County Court of Kentucky, duly commissioned & qualified & that his
signature thereto is genuine - Intestimony of which I

hereby set at my hand & official seal this 28th day of

August A. D. 1866 at Frankfort -

A. H. Pennington Clerk
Franklin County Court Ky

Single Affidavit.

I Patsy Menzies of lawful age,
and a resident of the County of Franklin in the State of Kentucky
upon oath declare that I am & have been for many years well
acquainted with Martha Lewis and also her
husband Benj. Lewis, of Co. E. of the 5th U. S.
C. Cav. I also know well Norah Lewis the
daughter of Benj. Lewis and Martha Lewis aforesaid
I was present at the birth of said daughter who
was born on the 16th day of November 1859
said Norah Lewis and McClintock Lewis are
the only children under sixteen years of age
of said parents - said children live with
their mother who has not permitted any one
to adopt either of them -
I am a housekeeper of Franklin
County, Kentucky; I have no interest in this
claim -

x Patsy Menzies

ms. sign

Sworn to and subscribed before me, this 21st day of June in the year 18 67
and I hereby certify that the affiant is respectable and entitled to credit, and reside as stated; and that I have no interest
in this matter. I further certify that the foregoing affidavit was read over to, and understood by the affiant before
the signing and execution thereof.

OFFICIAL
SIGNATURE

John W. Jackson J. P. C.

magistrate
sign

State of Kentucky County of Franklin SS:

I, A. H. Rennie, Clerk of the County Court within and for the County and State aforesaid, do hereby certify that John W. Jackson Esq., before whom the foregoing affidavit was made, and who has thereto signed his name, was, at the time of so doing, a Justice of the Peace in and for the County and State above named, duly commissioned, qualified and sworn; that all his official acts as such are entitled to full faith and credit, and that his said signature, as it appears on the reverse page hereof is genuine.

Given under my hand and seal of said Court at Office in Frankfort this 18th day of October A. D. 1867
A. H. Rennie Clerk of Court

Attest my hand and seal of said Court at Office in Frankfort this 18th day of October A. D. 1867
A. H. Rennie Clerk of Court

Additional Evidence.

Application for Pension

Act of

Martha Lewis Applicant.

Affidavit of

Wm. J. Rennie Attorney.



State of Kentucky }
County of Franklin } ss.

In the matter of the claim, for Pension
of Martha Lewis widow of Benjamin Lewis, a private
Company E 5th Regiment W. L. Col. Cav Vols.

Personally came before me, Natany Public in and for
aforesaid County and State Jerry Beasley
citizen of the County of Franklin State of Kentucky, reputable
and entitled to credit, and who, being duly sworn, declare in relation to aforesaid claim, that the date of the birth
of the child..... of said soldier is as follows:

I have been for many years acquainted with Martha Lewis and also knew her deceased husband Benjamin Lewis late of Co. E 5th W. L. Col. Cav, and also knew well her son McClellan Lewis, he being also the son of said deceased soldier. Benjamin went into the army when his son was about four months old. Affiant lived at the same house with Benjamin and Martha Lewis at the time McClellan was born and was present at his birth, which took place in the month of March 1864, the exact day not remembered. When Martha was about being taken sick in her confinement the affiant went for Sophia Richardson who acted as the midwife at the birth of McClellan. Affiant remained at the house for about a year after his birth. Affiant knew Martha & Ben before they were married & altho he was not present at the marriage, they lived together & mutually recognized each other as man & wife, so considered by the community & he never heard the fact of their relationship questioned. Affiant is & for 30 years has been a colored free agent & is fifty eight years old
(That..... present at the birth of the same in the capacity of..... and has

personal knowledge of the date as aforesaid.....

I..... further declare that..... I have no interest in said claim, and am not concerned in its prosecution.

Attest—when any affiant signs by mark, (2 persons.)

C. H. Hatchett
Russell Speed

Signature
of
Affiants.

Jerry Beasley
mark

SWORN TO AND SUBSCRIBED BEFORE ME this day by the above named affiants; and I certify that I read said affidavit to said affiants, and acquainted them with its contents before they executed the same. I further certify that I am in no wise interested in said claim, nor am I concerned in its prosecution. Sworn & subscribed before signing and back written line of affidavit also written and read to affiant before signing.

CLAIM FOR
Pension -

Martha Lewis, applicant

AFFIDAVIT

Rev. Jerry Beasley

FILED BY

Las G. Hartschelt
Frankfort Ky

Printed and sold by W. B. Moore, 404 11th St., Washington, D. C.



Witness my hand and seal of office, this day of December, 1868

J. H. French
Clerk of the Franklin County Court

Witness my hand and official seal this 18th day of December, 1868
AND SEAL HERE
Sign here, James Martin, Notary Public
Franklin County, Kentucky

Note—This should be sworn to before a CLERK OF COURT or JUSTICE OF THE PEACE. If before a JUSTICE, then CLERK OF COUNTY COURT must add his certificate of character on the back hereof, and not on a separate slip of paper.

I, J. H. French, Clerk of the County Court in and for aforesaid County and State, do certify that James Martin Esq., who hath signed his name to the foregoing affidavit, was at the time of so doing a Notary Public in and for said County and State, duly commissioned and sworn; that all his official acts are entitled to full faith and credit, and that his signature thereto is genuine.

State of Kentucky
County of Franklin } ss.

In the matter of the claim for Pension
of Martha Lewis widow of Benjamin Lewis
a private in
Company E 5th Regiment U. S. Col. Cav Vols:.....

Personally came before me, As Notary Public
for said County and State Sophia Richardson
citizen of the County of Franklin State of Kentucky, reputable
and entitled to credit, and who, being duly sworn, declare in relation to aforesaid claim, that the date of the birth
of the child..... of said soldier is as follows:

That I have been for many
years acquainted with Martha Lewis and also
knew her deceased husband Benjamin Lewis, late
of Co. D 5th U. S. Col. Cav and knew well her son
McClelland Lewis, he being also the son of said
soldier deceased. I was present at the birth
of said son McClelland who was born on the
19th day of March 1864. When Martha Lewis was
about being taken sick at the birth of McClelland
I was sent for Jerry Deasley coming for me, and
remained with Martha till after the birth of the child
and was to see her every day during her sickness.
I lived about a quarter of a mile from her and
have lived in the neighborhood until this summer
(1864) when I moved to Frankfort - no physician
attended Martha during her sickness from
the birth of McClelland - McClelland was
about four months old when his father went
into the Army. I acted as midwife at the birth
of the child McClelland - I have recently removed from
Frankfort back to the same neighborhood - I am
about 65 years old.

That..... present at the birth of the same in the capacity of friend & midwife
and has
personal knowledge of the date as aforesaid.....

..... further declare that I have no interest in said claim, and am not concerned in its
prosecution.

Attest—when any affiant signs by mark, (2 persons.)

2 J. J. Elliott
2 D. Parent

Signature
of
Affiants.

Sophia Richardson
mark

SWORN TO AND SUBSCRIBED BEFORE ME this day by the above named affiants; and I certify that I read said
affidavit to said affiant, and acquainted him with its contents before she executed the same. I further certify
that I am in nowise interested in said claim, nor am I concerned in its prosecution. The word "and
midwife" enclosed before signing and the jurat
changed from plural to singular—

CLAIM FOR

Pension No 141,704
 Martha Lewis, widow
 of Benj Lewis, Co E
 5th U. S. Col Infy

AFFIDAVIT

Before of Chief

FILED BY

Se Hatchett
 Frankfort
 Ky

Printed and sold by W. H. Moore, 404 11th st., Washington, D. C.



Witness my hand and official seal this 26th day of December, 1868
 Sign here: *John W. Jackson* [L. S.]
 Note.—This should be sworn to before a CLERK OF COURT or JUSTICE OF THE PEACE. If before a JUSTICE, then
 CLERK OF COURT must add his certificate of appointment on the back hereof, and use a separate copy of paper.
 I, *John W. Jackson*, Clerk of the County Court in and for aforesaid
 County and State, do certify that *John W. Jackson* Esq., who hath signed his
 name to the foregoing affidavit, was at the time of so doing a *Justice of the Peace* in
 and for said County and State, duly commissioned and sworn; that all his official acts are entitled to full faith and
 credit, and that his signature thereto is genuine.

Witness my hand and seal of office this 30th day of December, 1868

John W. Jackson
 Clerk of the *Franklin County* Court

DIPLOMA
DROP ORDER AND REPORT.Department of the Interior,
BUREAU OF PENSIONS,
FINANCE DIVISION.

Washington, D. C., FEB 7 1908

Martha Lewis
(Pensioner.)122335
(Certificate number.)widow
(Class.)Benjamin Lewis
(Soldier.)
Co E 5 U.S.C. Cav.
(Service.)

U. S. Pension Agent,

Topeka

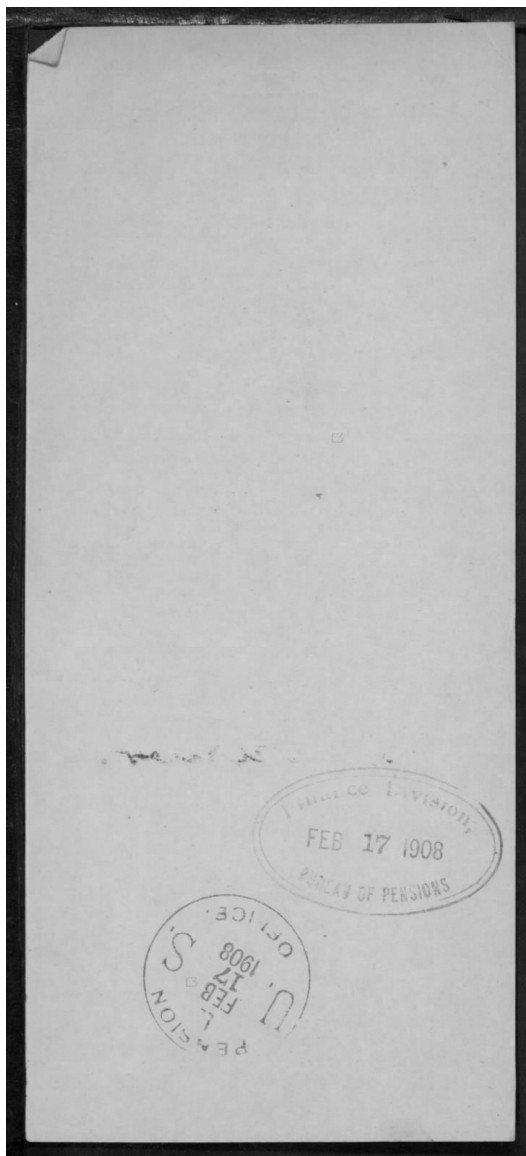
SIR: You are hereby directed to drop from
the roll the name of the above-described pen-
sioner who died unknown, 190J. Warner
Commissioner.

REPORT.

Commissioner of Pensions.

SIR: The name of the above-described pen-
sioner, who was last paid at \$ 12 per
month to Feb. 4, 1907, has this
day been dropped from the roll of this agency.Wilder S. Metcalf
U. S. Pension Agent.

FEB 13 1908



No. 41-704

122.335

ACT OF JULY 14, 1862.

Martha Lewis
Franklin co. Ky.
Wid. of
Benjamin Lewis
Sergt. Co. "E" 5. 26. 36. Cal.
Killed near Simpsonville Ky
Jan'y 28/65.
Pension Office,

186

Respectfully referred to the Adjutant
General, for official evidence of service
and death.

Joseph M. Barrett

Commissioner.

Received, Feby 5 1867.

Jas. F. H. H. H. H.
Frankfort

By

Attorney.

Oct. 28. 1867

Letter for evidence of death,
and birth of other child

No. 122325

Kentucky
Martha Lewis

WIDOW OF

Benjamin Lewis

Rank Sergeant, Co. E

Regt. 5th U.S.C. Cal. Vols

~~Leicester~~

Agency

Trans'd (Ex. Order May 7th 1865) to Topeka.

Rate per Month, \$
Commencing 26th Jan'y 1865

Additional sum of \$2 per Month for each of
the following children, until arriving at the age of
16 years, commencing 25th July 1866

Martha **DEAD** 15th Nov 1875

M^cCallan 18th Nov 1880

Certificate dated 15th Dec 1868

Sent to Jas G Hatchett

Frankfort Ky

Act 14th July, 1862.

Book C Vol. 6 Page 61

Bates Clerk.

Jan 4/81 Bodman declining permit
in absence of P.C. & per data
address of Charles Schulten ~~also~~

FEB 7 1908 ...100... PMA

Auditor and Pension

WJP
DROPPED

Feb 13 1908

FEB 20 1908

GWS

24908
100
100

No 141,704

Application for
Pension -

Benj Lewis Co E 5th
U. S. Col Cad -

Martha Lewis, widow,

Power of Attorney

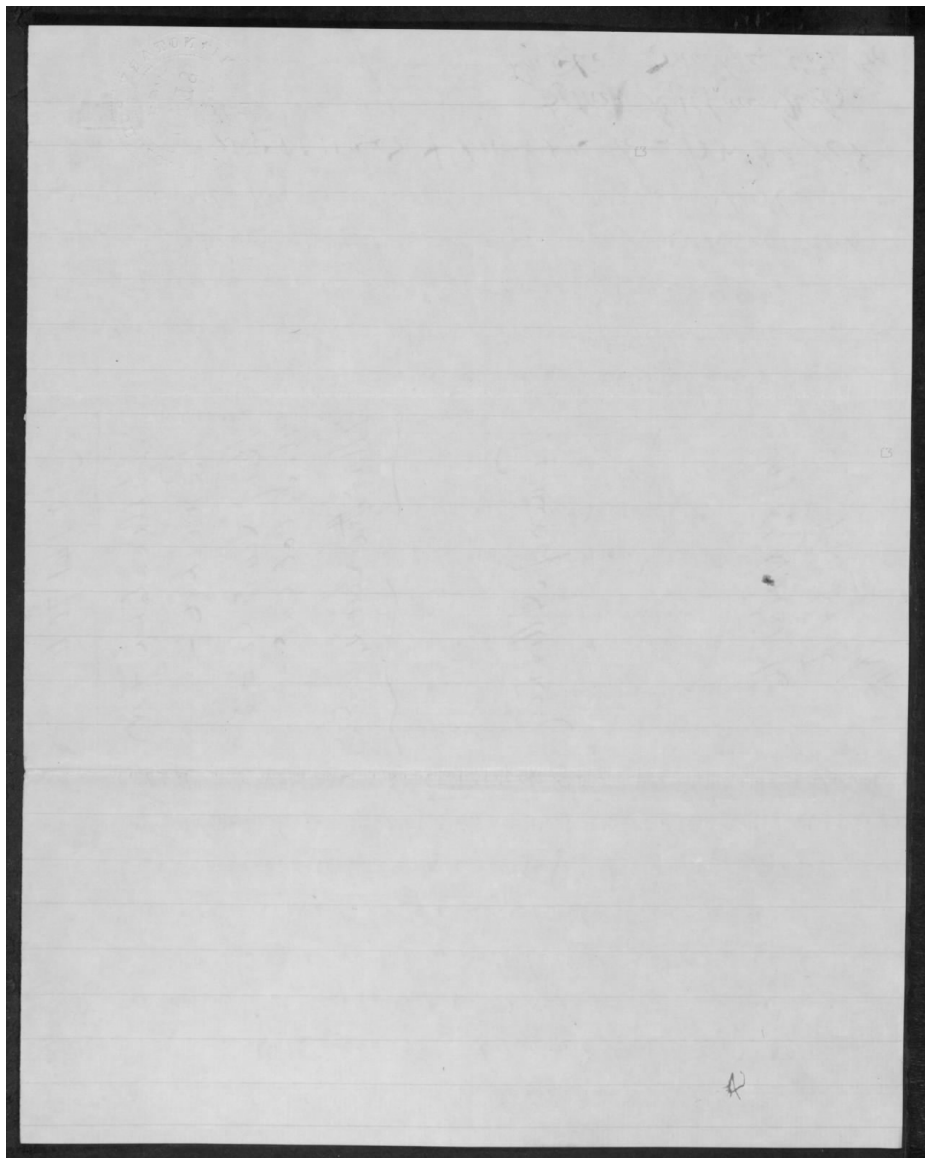


Jas G Hatchitt
Frankfort
Ky,

State of Kentucky County of Frankfort 353
I James G Hatchitt, the named within, do swear
that I have not noticed or kept legal fees or
any of such fees for the service of Ben Lewis Co E 5th
for Ben Lewis Co E 5th U. S. Col Cad -

Subscribed & sworn to Nov 30/68

James Hatchitt Not
Public Frankfort Ky



Know all men that I Martha Lewis of Franklin County in the State of Kentucky do hereby constitute and make Jas G. Hatchitt, of the City of Frankfort, County of Franklin & State of Kentucky, my Attorney to present and prosecute my claim (No 141,754) for Pension as widow of Benjamin Lewis, late Private Co & 5th U. S. Col^d Cavalry vols, and I hereby authorize and direct him to receive and receipt for any certificate, check, voucher, or draft, that may be issued for the same, and to do any other act or thing necessary or that I might do if personally present with full power of substitution and revocation, hereby countermanding all former authority that may have been given for the above specified purposes. The object of this letter of attorney is to substitute said Hatchitt in the stead of my former attorney Wm L. Harlan, now deceased.

In presence of
Russell Sneed
Clay H. Hatchitt

Witness my hand and Seal this
18th Day of November 1868
Martha ^{her} Lewis
mark

(Seal)

State of Kentucky, Franklin County, Lch

On this 18th day of November 1868
personally came before a Notary Public
in & for said County & State the aforesaid
Martha Lewis, to me personally known, and
executed and acknowledged the foregoing power
of Attorney by her subscribed; and I certify that I
read said power to her and acquainted her with
its contents and meaning before she executed the
same - I further certify that I am in no wise interested
in said claim, nor am I concerned in its prose-
cution.

Given under my hand & Notarial Seal
this 18th day of November 1868

James Harlow Notary
Kentucky, Franklin County, Lch. Public Franklin Co Ky.
J. A. Rennie Clerk of the County Court of said
County certify that James Harlow before whom the
foregoing power of Attorney was acknowledged, is a Notary
Public in & for said County, duly commissioned and
authorized to administer oaths and that the above is his
genuine signature. - Witness my hand & Seal of office
this 30th day of Nov 1868 J. A. Rennie Clerk
Franklin County Lch Ky

Surgeon General's Office,

Record and Pension Division,

May 7th 1867.

Respectfully returned to *the*

Commissioner of Pensions

The death-records of this Office furnish
no information in this case.

or Regimentsal records

BY ORDER OF THE SURGEON GENERAL:

J. J. Woodward

Bvt. Lt. Col. and Asst. Surgeon, U. S. A.

(49)

R. of A., Vol. *40* No. *CH. 66*

(No. 14.)

Department of the Interior,

PENSION OFFICE,

March 30, 1867

Sir:

You are respectfully requested to furnish official evidence of the
date and cause of death of *Augustin Lemis*, who

State of Kentucky,
County of Franklin

I, Martha Lewis, resident of the County
& State aforesaid, on oath state, that I am the
widow of Benj. Lewis who was a private in
Co. E. 5th U. S. Col. C. A. and that Harsh
Lewis & the Callendar Lewis are the only
legitimate children of said Benjamin
Lewis surviving under sixteen years of age,
that said children are under my control
& I have not permitted any one for
whom incents of pension is claimed to be
adopted by any person. That I have not
remarried since the death of my said
husband, but am still a widow.
Attest:

Martha X Lewis
mark

C. A. Mergel,
A. B. Patterson

Two
witnesses
to mark of
m. l.

14
m. l. m. l.
mark

Seem to be for me by the above named
Martha Lewis - This statement was read
over to and understood by her before
making her mark and execution hereof.

I have no interest in this claim.
This 21st day of June 1867 John W. Jackson J. P. C.

magistrate

State of Kentucky
County of Franklin 355

I, A. H. Remick, clerk of the County
Court in & for said County, certify that
John L. Jackson whose genuine
signature is set to this foregoing certificate
was, at its date, a Justice of the Peace
and commissioned & qualified -

Witness my hand & seal of
office this 18th day of October 1867
A. H. Remick
Franklin County Clerk

Attest

Matthew Lewis
Affiant

