

39155

FORM A.

SOLDIER'S APPLICATION FOR PENSION

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

Name of Applicant: *John Deaton*

John Deaton,

Smith,

County.

Postoffice Troup, R.F.D. NO. 6.

Filed 5-9-73

Approved 7-20-23

Pension allowed from

Rejected

Lou A. Smith
Commissioner of Pensions.

W.R. Reg 5-9-73

For Use of Soldiers Who are in Indigent Circumstances

THE STATE OF TEXAS

County of SMITH

I, John Deaton do hereby make application to the Commissioner of Pensions for a pension to be granted me under the Act passed by the Thirty-third 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.

Honorably discharged in July 1865

(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 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 \$1,000.00; 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? 76
2. Where were you born? Bibb County, Alabama
3. How long have you resided in Texas? 67 years
4. In what county do you reside? Smith
5. How long have you resided in said county, and what is your postoffice address? Resided in Smith County, Texas, twenty-six years and my address is Troup, Texas. R.F.D. #6

6. Have you applied for a pension under the Confederate pension law and been rejected? If rejected, state when and where on account of insufficient evidence. Yes, about 4 years ago at Austin, Texas, and was rejected

7. What is your occupation, if able to engage in one? None helpless

8. In what State was the command in which you served organized? Texas

9. How long did you serve? Give, if possible, the date of enlistment and discharge. 9 months don't remember exact dates

10. What was the letter of your company, number of battalion, regiment or battery? Company "I", 35th Texas Cavalry

11. If transferred from one command to another, give time of transfer, name of command and time of service. never transferred

12. What branch of the service did you enlist in—infantry, cavalry, artillery or navy?

13. If commissioned direct by the President, what was your rank and line of duty?.....

never commissioned

14. If detailed for special service, under the law of conscription, what was the nature of your service and how long did you serve?..... *Never*

15. What is the assessed value of your home, if you own a home?..... *\$400.00*

16. What is the assessed value of your other property?..... *No other property*

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)

John Deaton
S. B. Peacock

Sworn to and subscribed before me, this *19th* day of *January* *April* A. D. 192*3*

[Seal.]

County Judge *Smith* County, Texas.

AFFIDAVIT OF WITNESSES

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

THE STATE OF TEXAS,

County of ~~Smith~~ *Cherokee,*

Before me *J. J. Bolton,* County Judge of *Cherokee,* County, State of Texas, on this day personally appeared *S. B. Peacock, and M. A. Jenkins,* known to me to be creditable citizens, who, being, by me duly sworn, on oath state that they personally know *John Deaton,* the above named applicant for a pension, and that they personally know that the said *John Deaton,* 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) *S. B. Peacock* *his mark*
(Signature of Witness) *M. A. Jenkins*

Sworn to and subscribed before me, this *7th* day of *May* A. D. 192*3.*

[Seal.]

County Judge *Cherokee* 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 arm service.)

THE STATE OF TEXAS,

County of *Cherokee,*

Before me *J. J. Bolton,* County Judge of *Cherokee,* County State of Texas, on this day personally appeared *S. B. Peacock, and M. A. Jenkins,* who are personally known to me to be creditable citizens, who, being by me sworn, on oath state that the,

To the first cross interrogatory the witness J. Pat Clark answers: I saw him sworn in and saw him leave in service, saw him while in service and after his discharge. There was no other man of this name in this company.

To the second cross interrogatory he answers: Yes

To the third cross interrogatory he answers: Yes

To the four cross interrogatory he answers: He did not to my knowledge.

J. Pat Clark

Subscribed and sworn to before me, this 10th day of July, 1923.

Notary Public

THE STATE OF Texas
County of Smith

I, George Lawton, Notary Public
(Here give name and official character of officer before whom taken.)

J. Pat Clark do hereby certify that J. Pat Clark and J. Pat Clark are personally known to me to be creditable citizen of said County and State, and that the foregoing answers of J. Pat Clark

J. Pat Clark the witness before named, and J. Pat Clark, 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 10th day of July, 1923.

Notary Public
Smith Co. Texas

(L. S.)

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

EX-PARTE
Geo C. Denton
Applicant for Confederate Pension.

DEPOSITION
of
J. Pat Clark

Witness _____ for Applicant.
Filed _____ day
of _____, 192____.
By _____, Clerk.
Deputy.

Fee for Taking Deposition, \$ _____

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.

EX-PARTE

IN RE APPLICATION FOR CONFEDERATE PENSION

Under Act April 7, 1913, pending

John C. Deaton

Application for Confederate Pension.

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

Answers and depositions of (1)

J. D. Martin

to the accompanying interrogatories (2)

propounded to him in the above entitled cause taken before (3) J. Y. Lawhon, Notary Public in accordance with the accompanying (7) commission

To the first interrogatory the said J. D. Martin

Witness, answers

J. D. Martin, 78 years, Troop, Texas, R#3

To the 2nd interrogatory he answers: Yes

To the third interrogatory he answers: Know him 70 years. First knew him at New Salem in Cherokee County about 1855

To the fourth interrogatory he answers: Yes

To the fifth interrogatory he answers: Yes. Company "I", 35th Texas Cavalry. Served on Texas coast Served about one year, having enlisted about one year before the close of the war.

To the sixth interrogatory he answers: He was not.

To the seventh interrogatory he answers: He was not in special service but was a private in the cavalry.



To the first cross interrogatory he answers:
I lived in the same community with him during the war and saw him several times while we were both in the service. I did not know of any other man by the name of Geo C Deaton either in or out of the service.

To the second cross interrogatory he answers: Yes

To the third cross interrogatory he answers:
Yes, he served honorably from the time of his enlistment until the close of the war.

To the fourth cross interrogatory he answers:
No, he did not desert or abandon his post.

EX-PARTE

J. C. Deaton }
Applicant for Confederate Pension.

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

Smith County, Texas,

The Honorable County Judge of Smith County, Texas, will please take notice that, five days after 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 James Martin Ex Clerk and A. L. Stewart who reside in the County of Cherokee in the State of Texas 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 April 7, 1913, 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 cannot be proven by any witness residing in the County of Smith and State of Texas, which J. C. Deaton is a bona fide resident.

J. C. Deaton
(Applicant) ~~Attorney~~ for Applicant.

Direct Interrogatories to be Propounded to Witness Ex.

- INT. 1. What is your name? Age? Place of residence and postoffice address?
.....
- INT. 2. Do you personally know, or did you at any time ~~know~~ J. C. Deaton who is an applicant for pension under Act of April 7, 1913?
- INT. 3. How long had you known the said J. C. Deaton and when and where did you first know him?
- INT. 4. Do you personally know that the said J. C. Deaton 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 J. C. Deaton 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 J. C. Deaton 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 know further if J. C. Deaton 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 James Martin & A. L. Stewart J. C. Deaton
CROSS INTERROGATORY 1. If, in answer to the foregoing direct interrogatories, you have stated that you personally know or did know said J. C. Deaton 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 J. C. Deaton 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 knew of any other soldier or sailor by the name of J. C. Deaton serving in the same company or regiment, or special service in which you say the said J. C. Deaton enlisted, if you have stated that said J. C. Deaton 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 applicant serving in the same command, or the special service to which he was assigned?

If you say that you 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

I,

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.

County Judge County, Texas.

(Applicant) Attorney for Applicant.

Form 512b-S-767-721-2M

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.

(1) FILE THIS DEPOSITION WITH THE CLERK OF THE DISTRICT COURT OF THE COUNTY OF SMITH, TEXAS.
(2) FILE THIS DEPOSITION WITH THE CLERK OF THE COUNTY COURT OF THE COUNTY OF SMITH, TEXAS.
(3) FILE THIS DEPOSITION WITH THE CLERK OF THE COUNTY COURT OF THE COUNTY OF SMITH, TEXAS.
(4) FILE THIS DEPOSITION WITH THE CLERK OF THE COUNTY COURT OF THE COUNTY OF SMITH, TEXAS.

Subscribed and sworn to before me, this 12th day of July, 1923.

J. D. Martin
Judy Lawton
Notary Public, Smith Co. Texas

THE STATE OF Texas
County of Smith
Public do hereby certify that

I, Judy Lawton, Notary
(Here give name and official character of officer before whom taken.)
J. D. Martin

and J. D. Martin are personally known to me to be creditable citizen of said County and State, and that the foregoing answers of

J. D. Martin the witness before named, and whose name appears 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 12 day of July, 1923

(L. S.)

Judy Lawton
Notary Public, Smith Co. 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. _____
In Smith County, Texas,
Before the Honorable County Judge of
said County.

EX-PARTE
John C. Denton
Applicant for Confederate Pension.

DEPOSITION
of
J. D. Martin

Witness _____ for Applicant.
Filed _____ day
of _____, 192____
Clerk.
By _____, Deputy.

Fee for Taking Deposition, \$ _____

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.

EX-PARTE

IN RE APPLICATION FOR CONFEDERATE PENSION

Under Act April 7, 1913, pending

Jno. C. Deaton

Application for Confederate Pension.

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

Answers and depositions of (1)

J. Pat Clark of Troop, Smith County, Texas

to the accompanying interrogatories (2) and cross interrogatories propounded to him in the above entitled cause taken before (3) J. W. Lawton, Notary Public in accordance with the accompanying (7) Commission

To the first interrogatory the said J. Pat Clark Witness, answers As J. Pat Clark, 72, Troop, Smith County, Texas

To the second interrogatory he answers: Have known Jno. C. Deaton, all of my life

To the third interrogatory he answers: Since 1860. Knew him first in Cherokee County, Texas.

To the fourth interrogatory he answers: Yes, I saw him sworn into the service and saw him return from service.

To the fifth interrogatory he answers: I don't know the number of the company, but the company was commanded by Captain Mullens. He was in service about one year.

To the sixth interrogatory he answers: No, he was not an officer.

To the seventh interrogatory he answers: He was a private soldier in the cavalry for about one year

TX



Comptroller's Department
State of Texas
Austin

LON A. SMITH, Comptroller.
W. T. GASTON, Chief Clerk.

To the Adjutant General,
War Department,
Washington, D. C.

Dear Sir:

I have the honor to request the military record of John Peaton who is reported to have enlisted in Company D, Regiment 35th Texas Cav.

in service in the Confederate States Army.

Purpose: The above person above named is an applicant for a Confederate pension granted by the State, and I desire to verify his proof of service.

RECEIVED
MAY 14 1923
OLD RECORDS DIVN.

Very respectfully,

Lon A. Smith

Comptroller of Public Accounts.

Received A. G. O. MAY 14 1923

39155

O.R.

WAR DEPARTMENT,
THE ADJUTANT GENERAL'S OFFICE,
WASHINGTON, May 16, 1923.

Respectfully returned to

Comptrollers Dept. State of Texas,
Austin, Texas.

with the information that the name mentioned within has not been found on the rolls, on file in this Department, of the organization to which reference is made, which rolls partly cover the period from May 15, 1862, to Feb. 29, 1864, and that nothing has been found in the official records concerning the service, capture or parole of John Deaton, Co. I, 35th. (Browns) Tex. Cav. C.S.A.

It is deemed proper to remark, however, that the collection of Confederate States Army records on file in this Department is far from complete, and is not fully indexed, and the failure to find the name of any person thereon (or to find his complete record) is by no means conclusive evidence that such person did not serve during some period not covered by the records on file in this Department.

There are no rolls on file in this office of Co. I, 35th. (Likens) Tex. Cav. C.S.A.



Robert C. Davis
The Adjutant General.
Rec. By [Signature]

39155

W. J. GARDNER, Chief Clerk
FOURTH DISTRICT COMMISSIONER

State of Texas
Austin

AM-1-1923

AM-1-1923

APPLICATION FOR MORTUARY WARRANT

STATE OF TEXAS,

County of Texas

I, R. A. Rushing

do hereby certify that I am the person to whom is entrusted the paying of the accounts and indebtedness of the late J. C. Deaton

State of Texas, and whose file number was 39155 and whose original county was Smith

The said pensioner J. C. Deaton, died on the

10th day of April, 1924, in the town of Whithouse

County of Smith, Texas.

The pensioner died in the home of R. A. Rushing who was related to the pensioner as Son-in-Law

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. J. C. Deaton

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.

I am related to the pensioner as (Friend) Son-in-Law

that my postoffice address is Whithouse

Street or R. F. D. 2000

City

State

Signed R. A. Rushing

Sworn to before me this 17th day of April, 1924

Notary Public in and for Smith State of Texas.

CERTIFICATE OF UNDERTAKER

I, Monte Walker, do certify that I am undertaker in the town of _____ County of _____ State of _____

that I had charge of the body of _____, who died in the town of _____ County of _____ State of _____

on the 10th day of April, 1924. That said body was prepared for burial by me on the _____ day of _____, 192____, and that I am of the opinion that

warrant herein applied for should be issued to the said _____ who makes the foregoing application.

Signed _____

Undertaker.

CERTIFICATE OF PHYSICIAN

I, Dr. E. H. Widdingham, do certify that I am a practicing physician, and that I attended J. C. Deaton in his last illness, and am of the opinion that his ailments were Malaria, chills & fever.

with some heart lesion.

(TX)

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 Dr. E. H. Widdingham

Physician's Address Whithouse, Texas

Apr-10th
ask.

4-16-24

39155

Must return before 40 days expires

APPLICATION FOR MORTUARY WARRANT

APR 23 1924

Faint, mostly illegible text in the upper section of the document, possibly containing names and addresses.

COMPTROLLER'S OFFICE
RECEIVED
APR 23 1924
Referred to
No.

Faint, mostly illegible text in the middle section of the document, possibly containing details of the application.

STATE OF TEXAS

Faint, mostly illegible text in the lower section of the document, possibly containing a signature or official statement.