

21741-

FORM A.

Soldier's Application
for a Pension

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

3-3-26

Name of Applicant.

J. C. Elliott
Smith County.

Postoffice Overton

Filed Aug. 15th 1913

Approved Sept. 1, 1913

Pension allowed from Dec. 1, 1913

Rejected Geo. W. Kyles

Commissioner of Pensions

Commissioner of Pensions.

E. L. Steck, Printing, Bookbinding, Austin

Proof not sufficient
Ent

FORM A

For Use of Soldiers Who Are In Indigent Circumstances

THE STATE OF TEXAS

County of Smith.

I, Jno. E. Elliott

do hereby make application to the Commissioner of Pensions for a pension to be granted me under the Act passed by the 33rd 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 discharged at close of war.

(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 whatever 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 \$1000.00; 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? 64 years old.
2. Where were you born? Georgia.
3. How long have you resided in Texas? 20 years.
4. In what county do you reside? Smith.
5. How long have you resided in said county and what is your postoffice address? 20 years. Overton, Texas, Route 2, Box 39.

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? Farmer.

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

9. How long did you serve? Give, if possible, the date of enlistment and discharge. 4 years.

10. What was the letter of your company, number of battalion, regiment or battery? Company I, 46th Alabama Regiment. Pettis Brigade.

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? Infantry.

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

Was not.

14. If detailed for special service, under the law of conscription, what was the nature of your service and how long did you serve?..... Was not.

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)

J. E. Elliott

Sworn to and subscribed before me, this 5th day of August, A. D. 1913

James F. Odom

[Seal.]

County Judge Smith County, Texas.

AFFIDAVIT OF WITNESSES

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

THE STATE OF TEXAS

County of Smith

Before me James F. Odom County Judge of Smith County,

State of Texas, on this day personally appeared J. E. Elliott & J. W. Bauman, who are personally

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

J. E. Elliott the above named applicant for a pension, and that they personally know that the

said J. E. Elliott 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)

J. W. Bauman

(Signature of Witness)

J. J. Jones

Sworn to and subscribed before me, this 11th day of August, A. D. 1913

James F. Odom

[SEAL.]

County Judge Smith 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 Smith

Before me James F. Odom County Judge of Smith County,

State of Texas, on this day personally appeared J. J. Jones

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 and true, to the best of their knowledge and belief, and that they have no interest in this claim, and said

applicant's habits are good and free from dishonor. And J. J. Jones further make oath to the following facts touching the applicant's service in the Confederate Army: (State fully your source of knowledge.)

That he knows the said J. E. Elliott was in the Confederate Army - That he was with him a great deal during the war and knows that he served as claimed by him -

(Signature of Witness) J. J. Jones -

(Signature of Witness)

Sworn to and subscribed before me, this 11th day of August, A. D. 1912
[SEAL.] Paul E. Edson
County Judge Emil County, Texas.

CERTIFICATE OF STATE AND COUNTY ASSESSOR

I, H. B. Matthews, State and County Assessor in the County of Emil

State of Texas, do certify that J. E. Elliott or his wife, or his trustee, or trustee for his wife, whose name is signed to the foregoing application for a pension, under the Act of the 33rd Legislature, approved April 7, 1913, is charged on the land and personal property rolls of said county with estate, real personal and mixed, at the assessed value of No. dollars.

Given under my hand, this 11th day of August, A. D. 1912
H. B. Matthews (TX)
State and County Assessor.



- (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 APPLICANT FOR CONFEDERATE PENSION

Jno. E. Elliott

Under Act March 26, 1909, pending

in Smith

Applicant for Confederate Pension.

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

Answers and depositions of (1) Wm. C. Wilson

to the accompanying interrogations (2) and cross-interrogatories

propounded to him in the above entitled cause taken before (3) Jno. T. Fennell, Clerk in accordance with the accompanying (7) agreement

To the first interrogatory the said Wm. C. Wilson

Witness, answers Wm. C. Wilson - 77 - Union Springs, Ala

To the 2nd Int., he answers: I did -

To the 3rd Int., the answers: I knew him in 1850 in Henry County Ala. I knew him for ten years before the war

To the 4th Int., he answers: I do - He enlisted in my Company & served in said Company as long as I

To the 5th Int., he answers: I do - Company "I." 46th Ala Reg - Henry County Ala. See question 4 -

To the 6th Int., he answers: Private Saldier

To the 7th Int., he answers: Was not - Enlisted regularly & served several years. I think to the end

To the 1st Cross-Int., he answers: He enlisted in my Company as a private - I knew no other Jno. E. Elliott

To the 2nd Cross-Int., he answers: I am -

To the 3rd Cross-Int., he answers: I am sure he did

To the 4th Cross-Int., he answers: He never did -

I, Wm. C. Wilson was Capt of Company "I." 46th Alabama Regiment - Jno. E. Elliott, enlisted in my Co as a private in Henry County Ala in 1862 -

Jno. E. Elliott served with me for more than a year, when my health failed & I left the army temporarily - I had knowledge of him afterwards & am sure he served faithfully to the end -

EX PARTE

Jno. E. Elliott,
Applicant for Confederate Pension.

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

The Honorable County Judge of Smith 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 William C. Wilson
and who reside in the County
of Alabama 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
Smith and State of Texas, of which he is a bona fide resident.

Jno. E. Elliott
(Applicant) Attorney for Applicant.

Direct Interrogatories to be Propounded to the Witness

Wm. C. Wilson

- 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 Jno. E. Elliott who is an applicant for pension under Act of March 26, 1909?
INT. 3. How long had you known the said Jno. E. Elliott and when and where did you first know him?
INT. 4. Do you personally know that the said Jno. E. Elliott 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 Jno. E. Elliott 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 Jno. E. Elliott 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 Jno. E. Elliott 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 Wm. C. Wilson

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

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

THE STATE OF TEXAS, }

County of Smith.

I, Jesse F. Odom, 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.

Jesse F. Odom
County Judge Smith County, Texas.

Jno. E. Elliott
(Applicant) Attorney for Applicant.

In Re

Application for Confederate Pension.

FOR USE OF SOLDIERS OR WIDOWS.

Smith County, Texas.

Pending before the County Judge of said County.

EX PARTE
Jno. E. Elliott
Applicant.

INTERROGATORIES
propounded to
Dr. M. L. Wilson

Witnesses.

The State of Texas

County of Smith Before me, the undersigned authority, on this
 Sid
 day personally appeared H. Rayford, and J.W. Bacon, both known to me to
 be the persons whose names are subscribed to this instrument of writing
 and who being by me duly sworn, state upon oath as follows, to-wit:

We were present when the body of J.E. Elliott, a deceased former
 confederate soldier, was prepared for burial. Mr. Elliott died on
 Sunday Morning, February 28, 1926 at his father's home in Smith County Texas.
 We saw him as his body was prepared, and assisted, in a way, in the prepar-
 ation of his body. No undertaker was used or employed for the preparation
 of his body. We were also present when he was buried at Williams Graveyard
 on Sunday afternoon, February 28, 1926. Mr. J.W. Elliott is the person
 who is entitled to receive the Mortuary Warrant for the expenses for the
 death of his father, J.E. Elliott.

Dated at Tyler, Texas and signed in the office of the County Judge of
 Smith County Texas this the 1st day of March 1926.

H. Rayford
J. W. Bacon

Sworn to and subscribed before me this the 1st day of March 1926.

W. S. Pace

County Judge of Smith County Texas.



APPLICATION FOR MORTUARY WARRANT

STATE OF TEXAS,

County of Smith } I, J.W. Elliott

do hereby certify that I am the person to whom is entrusted the paying of the accounts and indebtedness of the late J.E. Elliott, who was a pensioner of the State of Texas, and whose file number was 21741 and whose original county was Smith

The said pensioner J.E. Elliott, died on the 28th day of February, 1926, in the town of near Tyler in Smith County Texas County of Smith, Texas.

The pensioner died in the home of J.W. Elliott who was related to the pensioner as father

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.E. Elliott

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) father that my postoffice address is R F D No 2

Overton, Texas
City State

Signed * J.W. Elliott

Sworn to before me this 1st day of March, 1926.

Land Pace
Notary Public in and for Smith State of Texas.
County Judge

CERTIFICATE OF UNDERTAKER

I, _____, do certify that I am undertaker in the town of _____ County of _____ State of _____ that I had charge of the body of (See sheet attached) who died in the town of _____, County of _____, State of _____ on the _____ day of _____ 192____. 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.

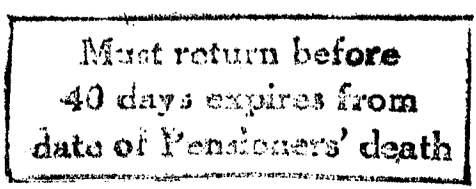
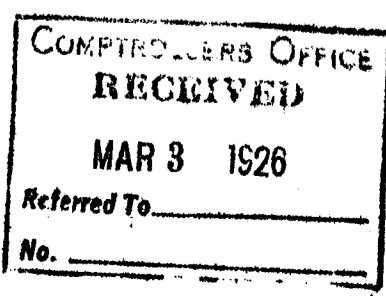
Signed _____ Undertaker.

CERTIFICATE OF PHYSICIAN

I, Levin Pope Jr., do certify that I am a practicing physician, and that I attended J.E. Elliott in his last illness, and am of the opinion that his ailments were Nephritis, & Prostatitis

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 Levin Pope Jr.
Physician's Address 1128 Bois d'Arc, Tyler, Tex.



Hold
Write for warrant