

12

1870

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.

M. M. Kerbelly
"Omit" County.

Postoffice

Tyler

Filed

Jan'y 29 "1912.

Approved

Pension allowed from

Rejected

Commissioner of Pensions.

VON BOECKMANN-JONES CO., PRINTERS, AUSTIN

FORM A

For Use of Soldiers, Who are in Indigent Circumstances

THE STATE OF TEXAS }

County of Smith

I, N M Kibbey, do hereby make application to the Commissioner of Pensions for a pension to be granted me under the Act passed by the Thirty-first Legislature of the State of Texas, and approved March 26, A. D. 1909, 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; that I was honorably discharged or surrendered Discharged April 1864 (Surrender Company)

(Give date and cause.)

that I have been a bona fide citizen of this State since prior to January 1, A. D. 1880, 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 in salary or fees one hundred and fifty dollars per annum, nor have I an income from any other employment or other source whatever which amounts to one hundred and fifty dollars per annum, nor do I receive from any source whatever money or other means of support amounting in value to the sum of one hundred and fifty dollars 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; 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? 62 years
- 2. Where were you born? Alabama, Jackson Co
- 3. How long have you resided in Texas? 60 years
- 4. In what county do you reside? Smith

5. How long have you resided in said county and what is your postoffice address 60 years Tyler Texas

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 TX

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

9. How long did you serve? Give, if possible, the date of enlistment and discharge Jan 1864 - Dec about year

10. What was the letter of your company, number or name of battalion, regiment or battery? Co "K" Jeffersons Motato

11. If transferred from one command to another, give time of transfer, name of command and time of service No

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?.....

14. If detailed for special service, under the law of conscription, what was the nature of your service and how long did you serve?.....

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) W. M. Kerley

Sworn to and subscribed before me, this 17 day of Jan, A. D. 1940

J. A. Burdick
County Judge Smith County, Texas.

[SEAL.]

AFFIDAVIT OF WITNESSES

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

THE STATE OF TEXAS }
County of Smith }

Before me J. A. Burdick, County Judge of Smith County,

State of Texas, on this day personally appeared J. K. Davis, who are personally

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

W. M. Kerley the above named applicant for a pension, and that they personally know that the said.....

W. M. Kerley has been a bona fide resident citizen of the State of Texas since prior to January 1, A. D.

1880, and that they have no interest in this claim.

(Signature of Witness) J. K. Davis

(Signature of Witness) V. A. Smith

Sworn to and subscribed before me, this 16 day of Jan, A. D. 1940

J. A. Burdick
County Judge Smith County, Texas.

[SEAL.]

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 J. A. Burdick, County Judge of Smith County,

State of Texas, on this day personally appeared J. K. Davis

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 they further make oath to the following facts touching the applicant's service in the Confederate Army: (State fully your source of knowledge.)

J. R. Davis says he has known applicant all his life knows personally that applicant enlisted and served as stated, that applicant was in some Company Co. K. Jameson Militia, that applicant made good Soldier and not desert

J. S. Smith says he has known this applicant for 50 years, and also knows that he enlisted in Company K. Jameson Militia but does not recall how long he served, but that he served until April 1865, and that he made a good soldier and did not desert

(Signature of Witness) *J. R. Davis*

(Signature of Witness) *J. S. Smith*

Sworn to and subscribed before me, this *26* day of *January* A. D. 19*12*

[SEAL.] *James Odom* County Judge *Smith* County, Texas.

CERTIFICATE OF THE STATE AND COUNTY ASSESSOR

I, *H. P. Matthews* State and County Assessor in the County of *Smith* State of Texas, do certify that *D. M. Kertsey* 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 Thirty-first Legislature, approved March 26, A. D. 1909, is charged on the land and personal property rolls of said county with estate, real, personal and mixed, at the assessed value of *200* dollars.

Given under my hand, this *26* day of *January*, A. D. 19*12*
H. P. Matthews
State and County Assessor.





R. A. BUFORD, Commissioner

OFFICE OF
Commissioner of Pensions
State of Texas
Austin

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

Dear Sir:

I have the honor to request the military record
of H. W. Kirkley who is reported to have enlisted in
Company "4", Regiment Jackson's Militia Infantry
in the service of the Confederate States Army. Texas

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

Very respectfully,



R. A. Buford

Commissioner of Pensions.

T-14

ADJUTANT GENERAL'S OFFICE

FEB - 9 1876766 1912

WAR DEPARTMENT

Address: "The Adjutant General,
War Department, Washington, D. C."

1876766
WAR DEPARTMENT,

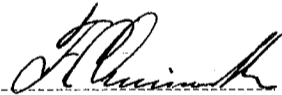
THE ADJUTANT GENERAL'S OFFICE,

WASHINGTON, February 7, 1912.

Respectfully returned to the

Commissioner of Pensions,
State of Texas,
Austin.

No record has been found of a Confederate organization bearing the designation of "Jamison's Militia Infantry, Texas," and no record has been found of the service, capture or parole of a man named W. M. Kirkley as of any Texas Confederate organization.



The Adjutant General.

(A.G.O.72-1)

Per *fr*

EX PARTE

W.M.Kirkley

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 V.S.Smith and Travis 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 March 26, 1909, 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 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.

W.M.Kirkley (Applicant) Attorney for Applicant.

Direct Interrogatories to be Propounded to the Witness

V.S.Smith

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

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

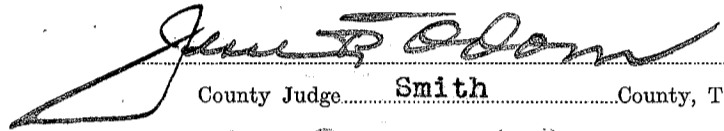
Cross INT. 3. Do you know whether or not the said W.M.Kirkley
served honorably from the date of his enlistment until the close of the late Civil War between the States, or until he
was discharged from said company and regiment, or the special service to which he had been assigned?

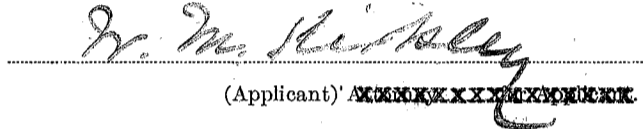
Cross INT. 4. Do you know whether or not the said W.M.Kirkley
deserted his command, or voluntarily abandoned his post of duty or the service during said war?

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.


County Judge Smith County, Texas.


(Applicant) ~~XXXXXXXXXXXXXXXXXXXX~~

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


Applicant.

INTERROGATORIES

propounded to

J. F. Odom

Witnesses.



General Land Office.

State of Texas.

Austin.

J.T. ROBISON, COMMISSIONER.
J.H. WALKER, CHIEF CLERK.

Jan. 29, 1912.

Hon. R. A. Buford,
Pension Commissioner,
Austin, Texas.

Dear Sir:

I am herewith enclosing to you pension application, interrogatories and answers thereto in the matter of ex parte W. M. Kirkley which explain themselves. I do this at the request of Jesse F. Odom, County Judge of Smith County, and when you have passed upon the same you will please communicate with him in reference thereto,

Yours truly,



EX PARTE

IN RE APPLICANT FOR CONFEDERATE PENSION

W.M.KIRKLEY

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) V.S. Smith

to the accompanying interrogations (2) and cross-interrogatories

propounded to him in the above entitled cause taken before (3) C.M. Catterway,

in accordance with the accompanying (7) agreement.

To the first interrogatory the said V.S. Smith

Witness answers

V.S. Smith, Sixty four years,
Austin Travis County Texas

To the 2nd Interrogatory, he answers: I have known W.M. Kirkley for about fifty years.

To the 3rd interrogatory, he answers:

About fifty years. I first knew him in Smith County Texas, in the year of about 1860 or 1861

To the 4th interrogatory, he answers:

Yes, as a Soldier

(TX)

To the 5th interrogatory, he answers:

Yes. He enlisted in Co. "K" Garrison's Militia, at Tyler Smith Co. Tex. in the latter part of 1864. During the war served till 1865.

To the 6th interrogatory, he answers:

Yes. He had no commission, as officer, but served as a Private

To the 7th interrogatory, he answers:

He was detailed to guard federal Prisoner, at the Stockade located about 4 miles East from Tyler Smith Co Texas

To the 1st Cross-interrogatory, he answers:

I know because I served with him in the same Company, I do not

To the 2nd cross-interrogatory, he answers:

Yes, I did not nor do not know any other W.M. Kirkley.

To the 3rd cross-interrogatory, he answers:

Yes. He served until the close of the war

To the 4th cross-interrogatory, he answers:

Yes I know, that he did not desert his command nor abandon his post of duty or the service during the war.

U. S. Smith

Subscribed and sworn to before me, this..... day of....., 191.....

THE STATE OF Texas }
County of Travis. }

I, W. M. Ballaway
(Here give name and official character of officer before whom taken.)

Notary Public Travis Co Texas hereby certify that V. S. Smith
and is personally known to me to be a credible citizen~~s~~ of said
County and State, and that the foregoing answers of V. S. Smith
the witness..... before named, and.....

....., whose name appear is signed to the foregoing deposition, were made before me
and were sworn to and subscribed before me, by said witness (4) V. S. Smith

Given under my hand and official seal, this the 29 day of January, 1912

(L. S.)

W. M. Ballaway
Notary Public Travis 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

Dr. W. S. ...
Applicant for Confederate Pension

DEPOSITION
OF

V. S. Smith

Witness..... for Applicant.

Filed..... day
of....., 191.....

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.