

14543

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.

J. A. Montgomery

Anderson County

Postoffice *Edkewort*

Filed *AUG 5 - 1909*

AUG 21 1909

Approved

Pension allowed from

Rejected

Commissioner of Pensions.

Compliments of
East Texas Genealogical Society

FORM A

For use of Soldiers, who are in indigent circumstances

THE STATE OF TEXAS

County of Anderson

I, S. A. Montgomery, 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~~ disbanded at Shreveport Louisiana at the close of the war in 1865-

(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:

(TX)

1. What is your age? 76 years

2. Where were you born? Kentucky

3. How long have you resided in Texas? Since 1848

4. In what county do you reside? Anderson

5. How long have you resided in said county and what is your postoffice address? Since 1849

P. O. Elk hart

6. Have you applied for a pension under the Confederate pension law and been rejected? If rejected, state when and where. Have not

7. What is your occupation, if able to engage in one? Farming

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. April 1862 to May 1865

10. What was the letter of your company, number or name of battalion, regiment or battery? Company

"D" 16th Texas Infantry

11. If transferred from one command to another, give time of transfer, name of command and time of service. Was not 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?

Non 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?

Not detailed

15. Have you transferred to others any property of any kind for the purpose of becoming a beneficiary under this law?

Have not

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 A Montgomery

Sworn to and subscribed before me, this *14th* day of *July*, A. D. 19*04*

O C Funderburk

[SEAL.]

County Judge *Anderson* County, Texas.

AFFIDAVIT OF WITNESSES

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

THE STATE OF TEXAS }

County of *Anderson* }

Before me *O C Funderburk*, County Judge of *Anderson* County,

State of Texas, on this day personally appeared *Reri Purman & John Porter*, who are personally

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

the above named applicant for a pension, and that they personally know that the said *J A Montgomery*

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) *Reri Purman*

(Signature of Witness) *John Porter*

Sworn to and subscribed before me, this *14th* day of *July*, A. D. 19*04*

O C Funderburk

[SEAL.]

County Judge *Anderson* 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 _____ }

Before me _____, County Judge of _____ County,

State of Texas, on this day personally appeared _____

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

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

EX PARTE

S.A. Montgomery
Applicant for Confederate Pension.

Anderson County, Texas,

The Honorable County Judge of Anderson 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 Bach Brown and Houston who reside in the County of Houston 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 to 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 Anderson and State of Texas, of which he is a bona fide resident.

S.A. Montgomery
(Applicant) Attorney for Applicant.

Direct Interrogatories to be Propounded to the Witness.....

Bach Brown

- 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 S.A. Montgomery who is an applicant for pension under Act of March 26, 1909?
- INT. 3. How long have you known the said S.A. Montgomery applicant for pension and when and where did you first know him?
- INT. 4. Do you personally know that the said S.A. Montgomery applicant for pension 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 S.A. Montgomery applicant, 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 in the Confederate navy, then state: When? Where? And how long he so served?
- INT. 6. Do you personally know that S.A. Montgomery applicant for pension, 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 said applicant 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.

TX

To be Propounded to Bach Brown

CROSS INTERROGATORY 1: If, in answer to the foregoing direct interrogatories, you have stated that you personally know or did know said applicant, 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 applicant 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 S.A. Montgomery serving in the same company or regiment or special service, in which you say the said applicant Montgomery enlisted, or if you have stated that said applicant 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 S A Montgomery applicant serving in the same command, or the special service to which he was assigned?

If you say that you so knew other soldiers or sailors of the same name of applicant's, 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 S A Montgomery applicant for pension, is the identical person serving as testified by you?

Cross INT. 3. Do you know whether or not the said S A Montgomery applicant for pension 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 S A Montgomery deserted his command or voluntarily abandoned his post of duty, or the service during said war?

THE STATE OF TEXAS,

County of Auderson

I, O B Funderburk, County Judge of said County, in said State, do hereby waive copy of interrogatories, notice 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.

O B Funderburk
County Judge.....Auderson.....County, Texas.

S A Montgomery
(Applicant) Attorney.....for Applicant.

In Re

Application for Confederate Pension.

FOR USE OF SOLDIERS

County, Texas,

Pending before the County Judge of said County.

EX PARTE

Applicant.

INTERROGATORIES

propounded to

Witnesses.

EX PARTE

IN RE APPLICANT FOR CONFEDERATE PENSION

S A Montgomery

Under Act March 26, 1909, pending.....

Applicant for Confederate Pension.

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

Answers and depositions of (1)

Jack Brown

to the accompanying interrogations (2).....

propounded to *him* in the above entitled cause taken before (3).....

in accordance with the accompanying (7).....

To the first interrogatory the said

Jack Brown

Witness, answers

Int 1. *Jack Brown, age 74 years Near Hazelwood, Past office address Hazelwood Texas*

Int 2. *I Personally know S A Montgomery*

Int 3. *I have personally known S A Montgomery ever since 1860, in about 1860 in Anderson County*

Int 4. *I do personally know that S A Montgomery and performed the duties of a Soldier ~~did enlist and serve in the Confederate Army~~ ~~the year 1862, at Palestine from 1862 to 1865. He did not serve in the Navy only in the Army.~~*

Int 5. *He served in the Texas Infantry Company D in the year 1862 at Palestine Texas from 1862 to 1865. He did not serve in the Navy, only as Soldier in regular Army*

Int 6. *He was not*

Int 7. *He was a Volunteer Soldier, a private Soldier from 1862 to 1865*



Cross Interrogatories

Cross Int 1. *Having served in the Army with him all the time he was in the Army I did not know any other Soldiers by the name of S A Montgomery, serving in the same Company or Regiment or special service in which the said applicant S A Montgomery enlisted. He did not serve in the Navy*

Cross Int 2. *I am positively certain that said S A Montgomery applicant for pension is the identical person serving as testified by me*

Cross Int 3. *I do know that he served honorably*

from the date of his enlistment until the close of
the late Civil War and was honorably discharged
from said Co & Reg to which he belonged
Cross Jan 4 He did not

[Blank lined area for deposition text]

Signed

Jack Brown

Subscribed and sworn to before me, this 21st day of July, 1909

Jno A Davis Justice Peace Prec No 5 Houston County Texas

THE STATE OF Texas

County of Houston

1105 Houston Co Texas

I, Jno A Davis Justice Peace Prec (Here give name and official character of officer before whom taken.)

do hereby certify that Jack Brown

and is personally known to me to be credible citizens of said County and State, and that the foregoing answers of Jack Brown the witness before named, and

whose name appear signed to the foregoing deposition, were made before me and were sworn to and subscribed before me, by said witness (4) Jack Brown

Given under my hand and official seal, this the 21st day of July, 1909

(L. S.)

Jno A Davis Justice Peace Prec No 5 Houston County 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 _____ County, Texas. Before the Honorable County Judge of said County.

EX PARTE

S A Montgomery Applicant for Confederate Pension

DEPOSITION OF

Jack Brown

Witness for Applicant

Filed _____ day of _____ 1909

By _____ Clerk. Deputy.

Fee for Taking Deposition, \$

EX PARTE
S.A. Montgomery
 Applicant for Confederate Pension.

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

The Honorable County Judge of *Anderson* 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 *James Capps*
 and *Prickett* who reside *s* in the County of *Prickett* 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 to 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 wit-
 ness residing in the County of *Anderson* and State of Texas, of which he is a bona fide resident.

S.A. Montgomery
 (Applicant) Attorney.....for Applicant.

Direct Interrogatories to be Propounded to the Witness.....

- James Capps*
- INT. 1. What is your name? Age? Present place of residence and postoffice address?
S.A. Montgomery
- INT. 2. Do you personally know, or did you at any time know *S.A. Montgomery* who is an
 applicant for pension under Act of March 26, 1909?
S.A. Montgomery
- INT. 3. How long have you known the said *S.A. Montgomery* applicant for pension
 and when and where did you first know him?
S.A. Montgomery
- INT. 4. Do you personally know that the said *S.A. Montgomery* applicant for pension
 enlisted in the service of the Confederacy, and performed the duties of a soldier or a sailor?
S.A. Montgomery
- INT. 5. Do you personally know in what company and regiment the said *S.A. Montgomery*
 applicant, 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?
S.A. Montgomery
- INT. 6. Do you personally know that *S.A. Montgomery* applicant for pension,
 was commissioned as an officer directly by the President of the Confederate States? What was his rank and
 line of duty?
S.A. Montgomery
- INT. 7. Do you further know if said applicant 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 Capps*

CROSS INTERROGATORY 1: If, in answer to the foregoing direct interrogatories, you have stated that you personally
 know or did know said applicant, 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 applicant 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 know of any other soldier or sailor by the name of *S.A. Montgomery*
Montgomery serving in the same company or regiment or special service in which you say the said applicant *S.A.*
Montgomery enlisted, or if you have stated that said applicant 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 S. A. Montgomery applicant serving in the same command, or the special service to which he was assigned?

If you say that you so knew other soldiers or sailors of the same name of applicant's, 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 S. A. Montgomery applicant for pension, is the identical person serving as testified by you?

Cross INT. 3. Do you know whether or not the said S. A. Montgomery applicant for pension 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 S. A. Montgomery deserted his command or voluntarily abandoned his post of duty, or the service during said war?

THE STATE OF TEXAS,

County of Anderson

I, O. B. Fendebush, County Judge of said County, in said State, do hereby waive copy of interrogatories, notice 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.

O. B. Fendebush
County Judge, Anderson County, Texas.

S. A. Montgomery
(Applicant) Attorney.....for Applicant.

In Re

Application for Confederate Pension.

FOR USE OF SOLDIERS

Anderson County, Texas,

Pending before the County Judge of said County.

EX PARTE

Applicant.

INTERROGATORIES

propounded to

James M. Campbell

Witnesses.

DEPOSITION IN PENSION CLAIMS, with Caption and Certificates.

694-609-5m

EX PARTE

IN RE APPLICANT FOR CONFEDERATE PENSION

Under Act March 26, 1909, pending

S. A. Montgomery
Applicant for Confederate Pension.

Anderson

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

Answers and depositions of (1) James M Leapps of Ozona
Crockett County Texas

to the accompanying interrogations (2) and X interrogatories
propounded to him in the above entitled cause taken before (3) Chas E Davidson, County Judge of Crockett
in accordance with the accompanying (7) agreement

To the first interrogatory the said James M Leapps, 67 years old
Witness, answers James M. Leapps, 67 yrs old, Ozona
Crockett County Texas, Ozona Texas

To 2nd Int he answers:- Yes I knew him before civil
war began, during same & since

Ans to Int 3:- I first knew him in 1860 or 61.

Ans to Int 4:- Yes

Ans to Int 5 Yes in Co D '16" Inf. Enlisted in
Company made up at Virginia Point Tex
in 1862 about May or June. He served
till we were turned loose after Lees sur-
render in 1865

(TX)

Ans to Int 6:- He was a private soldier.

Ans to Int 7:- He volunteered and served
throughout as soldier.

X

To 1st X Int he answers:- I enlisted at
same time and place in same company, and
served clear through the war with him, and
we were messmates. There was no other
Montgomery in said company except a brother
of applicant, which brother was named Mack
Montgomery. He is now dead.

Ans to X Int 2:- Yes.

Ques to X Int 3 :- Yes he was a good soldier all through.

Ques to X Int 4 :- No. He never deserted or abandoned his command.

James M. Coates

Subscribed and sworn to before me, this 24th day of July, 1909
Chas E Davidson, County Judge of Crockett County, Texas

THE STATE OF Texas
County of Crockett
of Crockett County, Texas

I, Chas E Davidson, County Judge
(Here give name and official character of officer before whom taken)

do hereby certify that James M Leapps
and is personally known to me to be credible citizens of said
County and State, and that the foregoing answers of James M Leapps
the witness before named, and

whose name appear signed to the foregoing deposition, were made before me
and were sworn to and subscribed before me, by said witness (4) James M Leapps

Given under my hand and official seal, this the 24th day of July, 1909
(L. S.) Chas E Davidson, County Judge of Crockett County, 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 _____ County, Texas.
Before the Honorable County Judge of said County.

EX PARTE
S A Montgomery
Applicant for Confederate Pension

DEPOSITION
OF
James M Leapps

Witness for Applicant
Filed _____ day
of _____ 190____
Clerk.
By _____ Deputy.

Fee for Taking Deposition, \$ _____
VON BOECKMANN-JONES COMPANY, PRINTERS, AUSTIN, TEXAS

Affidavit of Physician

THE STATE OF TEXAS,
County of Anderson

Before me A. G. Douthit, Notary Public, ~~County Judge~~ of Anderson County,

State of Texas, on this day personally appeared Dr. J. H. Paxton

who is a physician in good standing, who, being by me duly sworn, on oath says that he has carefully examined

S. A. Montgomery and finds him laboring under the following disabilities:

(If a soldier, state fully whether he lost a limb, or limbs, or is blind or totally disabled; in the latter case stating specifically the personal ailment and conditions that render him entirely helpless and incapacitated, physically or mentally, for any work or business; if the widow of a soldier, "for any kind of work suitable for her sex.")

On the 22nd, day of December 1910, he fell off of a high gallery, falling on his shoulder, receiving a subluxation of cervical vertebrae from which he was confined to his bed four or five months and has never been able to straighten his neck since. Is now able to get about with the aid of a stick but is a constant sufferer.



J. H. Paxton M.D.

Sworn to and subscribed before me, this 29th day of January, A. D. 1912

(SEAL.)

A. G. Douthit

County Judge. County, Texas.

Notary Public Anderson Co. Tex

111
11/10/42

Elkhart, Texas, Sept. 2, 1942.

Comrade George C. Betts,
Veterans' State Service Officer,
Austin, Texas.

Deare Mr. Betts;

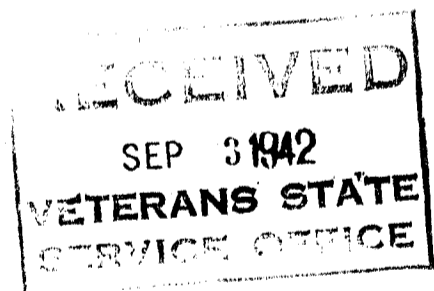
Wish to say that I am a service connected world war veteran and have assisted veterans and widows and mothers of deceased veterans in securing compensation and pension thru your office in the past and I have need of your assistance now in that I wish to secure a marker for the grave of my grandfather, S. A. Montgomery, who was a confederate veteran and who was in receipt of pension up to his death on Feb. 20, 1913.

Since I do not have any papers in my possession whatever to substantiate the claim for a marker I would like to have you contact the proper authorities for an investigation of the records pertaining to his receipt of pension as a Confederate veteran which may constitute the allowance of a marker for his grave.



Yours very truly,

Frank Montgomery
FRANK MONTGOMERY



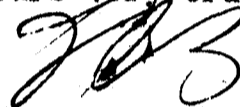
September 3, 1942

Mr. Frank Montgomery
Elkhart, Texas

Dear Sir:

I am taking the liberty of referring your letter to Mr. Taylor, State Capitol, who is in charge of the claims for Confederate veterans, and I feel sure you will hear from him within the next few days.

Yours very truly,



GEORGE C. BETTS, Director
Veterans State Service Office



GCB/mfl

✓ CC: Mr. Taylor

September 4, 1942.

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Mr. Frank Montgomery
Elkhart, Texas

Dear Mr. Montgomery:

Your letter of September 2 addressed to the Honorable George C. Betts, director of Veterans State Service Office, has been referred to this office for reply.

The records of this office show S. A. Montgomery of Elkhart, Anderson County, Texas filed application for Confederate Pension in the State of Texas August 5, 1909 and the same was approved under pension file number 14543. Serial Number is not given.

The application for pension of Mr. Montgomery states that he enlisted as a private in April, 1862 in Company "D", 16th Texas Infantry, Confederate States Army. He served until May, 1865 at which time they were disbanded at Shreveport, Louisiana.

The application for pension was approved on the affidavits of James M. Capps and Zack Brown who claimed they had person knowledge of the military service of Mr. Montgomery.

Yours very truly,

Geo. H. Sheppard
Comptroller of Public Accounts.

JHT:EE