

AFFIDAVIT OF WITNESSES

Received
July 19 - 1944

COMPTROLLER OF PUBLIC ACCOUNTS
RECEIVED
MAR 31 1924

65-476
H 1924
H 1924

39934
Form B.
Received
7-19-44
WIDOW'S APPLICATION
FOR A PENSION

The Comptroller of Public Accounts reserves the right to call for additional testimony if he deems it necessary.

Name of Applicant

Ma & B King

County

Postoffice

Edinburg

Filed

5/8/124

Approved

6/10/24

Pension allowed from 6/1/24

Rejected

Comp. of Public Accounts
J. C. Smith

5/10/24



Witness signatures and names: [Illegible]

Compliments of
East Texas Genealogical Society
www.rootsweb.com/~txetgs

State and County Assessor: [Illegible]

For Use of Widows of Soldiers Who Are in Indigent Circumstances

THE STATE OF TEXAS,

County of Anderson

I, Mrs. J. B. King do hereby make application to the Comptroller of Public Accounts 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, A. D. 1913, on the following grounds:

I am the widow of Samuel Thomas Swann deceased, who departed this life on the 5 day of Nov, A. D. 1892 in the county of Anderson in the State of Texas

~~I have not remarried since the death of my said husband~~, and I do solemnly swear that I was never divorced from my said husband, and that I never voluntarily abandoned him during his life, but remained his true, faithful and lawful wife up to the date of his death. I was married to him, on the 12 day of March A. D. 1882, in the county of Anderson in the State of Texas

My husband, the said Samuel Thomas Swann, enlisted and served in the military service of the Confederate States during the war between the States of the United States, and that he did not desert the Confederate service. I have been a resident of the State of Texas 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 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 anyone hold in trust for my benefit or use, estate or property, either real, personal or mixed, either in fee or for life, of the value of one thousand dollars, exclusive of the home of the value of not over \$1000; nor do I receive any aid or pension from any other State, or from the United States, or from any other source, and I do further state that the answers given to the following questions are true:

- 1. What is your age? 65 yrs
- 2. Where were you born? Anderson County, Texas
- 3. How long have you resided in the State of Texas? 65 yrs
- 4. How long have you resided in the county of your present residence? And what is your postoffice address? 65 yrs, Elkhart
- 5. Did your husband draw a pension? If so, give his file number. No.
- 6. What was your husband's full name? Samuel Thomas Swann
- 7. What was the date of his death? Nov. 5, 1892
- 8. In what State was your husband's command originally organized? Missouri

9. How long did your husband serve? If known to you, give date of enlistment and discharge. 4 years, dont know dates, but served to end of War.

10. What was the name or letter of the company, or number of the battalion, regiment or battery of artillery in which your husband served? If he was transferred from one branch of service to another, give time of transfer, description of command and time of service. First Artillery, Price Division, Hartshorn, and Chughton were captains or lieutenants

11. Name branch of service in which your husband served, whether infantry, cavalry, artillery, or the navy, or if commissioned as an officer by the President, his rank and line of duty, or if detailed for special service, under the law of conscription, the nature of such service, and time of service. Private in Artillery

12. 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 her application for a pension may be approved and such other proceedings be had in the premises as are required by law.

(Signature of Applicant) J. B. King

Sworn to and subscribed before me this 28 day of March A. D. 1924

W. C. Quick
County Judge Anderson County, Texas.

March 27, 1917, Samuel Swann

RECEIVED
COMPTROLLERS OFFICE
NOV 6 1924
39934

TX

Where applicant has remarried it is necessary that she state facts covering particulars of last marriage, date, to whom married, and date of last husband's death. Applicant must also state that she is now a widow.

AFFIDAVIT OF WITNESSES

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

THE STATE OF TEXAS,

County of Anderson

Before me, W. C. Quick, County Judge of Anderson County,

State of Texas, on this day personally appeared J. R. Axum & T. S. Davis, who are personally

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

that Mrs. J. B. King, applicant for a pension as the widow of Tom Swain, and late J. B. King, both (deceased) J. B. King deceased; that they personally

know that she has ~~remarried~~ remarried since the death of her husband, for whose services in the army she claims a pension, and that they have no interest in this claim, and that she is now a widow

(Signature of Witness) J. R. Axum

(Signature of Witness) T. S. Davis

Sworn to and subscribed before me, this 28 day of March, A. D. 1924

W. C. Quick

[Seal.]

County Judge Anderson County, Texas.

*Where applicant has remarried it is necessary that she state facts covering particulars of last marriage, date, to whom married, and date of last husband's death. She must also state that she is now a widow.

AFFIDAVIT OF WITNESSES

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

THE STATE OF TEXAS,

County of Anderson

Before me, W. C. Quick, County Judge of Anderson County,

State of Texas, on this day personally appeared J. R. Axum & T. S. Davis, who are personally

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

the above named applicant for pension, and that they personally know that the said Mr. J. B. King

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 this claim.

(Signature of Witness) J. R. Axum

(Signature of Witness) T. S. Davis

Sworn to and subscribed before me, this 28 day of March, A. D. 1924

W. C. Quick

[Seal.]

County Judge Anderson County, Texas.

AFFIDAVIT OF WITNESSES

(If possible, the two witnesses should have served with the applicant's husband in the army, and if so, let them, or either of them, state it in their oath; also any information regarding the army service of applicant's husband.)

THE STATE OF TEXAS,
County of Anderson

Before me, [Signature], County Judge of Anderson County,
State of Texas, on this day personally appeared John Carter, who personally

known to me to be creditable 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 her application are correct and true, to the best of their knowledge and belief, and that they have no interest in this claim. And further make oath to the following facts touching the service of applicant's husband in the Confederate

Army: (State fully your source of knowledge) I went along with him as a helper, to feed and water horses. He was wounded in right leg and his thumb on right hand was shot off. After he was wounded I was sent home.
(See Note on reverse side.)

[Signature]
(Signature of Witness)

John Carter
(Signature of Witness)

Sworn to and subscribed before me, this 14th day of February, A. D. 1924

[Signature]
County Judge Anderson County, Texas.

[Seal.]

CERTIFICATE OF STATE AND COUNTY ASSESSOR

I, R. H. Sadler State and County Assessor in the County of _____ State of Texas, do certify that Mrs. Calley Kising (Mrs. J. B. Kising) whose name is signed to the foregoing application for a pension, under the Act of the Thirty-third Legislature, approved April 7, 1913, is charged on the tax rolls of said county with a homestead of the value of \$150.00 one hundred and fifty 00 Dollars, and of other property, real or personal, or both, of the value of Nothing Dollars.


Given under my hand, this 28 day of March, A. D. 1924
R. H. Sadler
State and County Assessor.

THE STATE OF TEXAS |
 COUNTY OF ANDERSON |

I, W. C. Quick, County Judge in and for Anderson County, Texas, do hereby certify that I am personally acquainted with John Carter, an old ex-slave, negro, who is between eighty and ninety years of age and in very feeble health. I know personally that he is not able to make the trip from his home at Elkhart, to Palestine, Texas, and the accompanying affidavit concerning his former "master," Tom ^(Daniel Thomas) Swan, made before R.E.L. Parks, a duly authorized Notary Public of Anderson County, should be given due faith and credit.

I am told ^{by} Mrs. J. B. King and others living at Elkhart that old John Carter is the only living comrade of Tom ^(or Swan) Swan during the Civil War.

Given under my hand and seal of office.
 this 28th day of March, A.D. 1924.


 County Judge, Anderson County,



T e x a s.



**Comptroller of Public Accounts
State of Texas
Austin**

Tyler, Texas,
July 12, 1944.

GEO. H. SHEPPARD, COMPTROLLER
PAT DOOLEY, CHIEF CLERK

IN YOUR REPLY PLEASE REFER
TO DIVISION NO. _____
FILE NO. _____

Hon. Geo. H. Sheppard,
State Comptroller,
Austin, Texas.

Attention Mr. J. H. Taylor, Director
Confederate Pensions.
Re: Mrs. J. B. King, Route 1, Elkhart, Texas.

Dear Mr. Taylor:

To comply with your request concerning the above named pensioner, I went to Elkhart yesterday where I interviewed Dr. W. E. Davis and Mr. J. B. Parker as well as Mrs. Cisley Brooks.

Dr. Davis is the attending Physician to Mrs. King and Mrs. Brooks. Mr. Parker is Cashier of the bank at that place.

The investigation develops the following facts, substantially:

Mrs. J. B. King is 92 years of age. On or about January 31, last, she fell at her home and broke her hip. Was taken to the Hospital at Palestine for treatment where she staid for one week and was returned home; there she remained for about one month being waited on by members of the family;

Then for her comfort and convenience of the family she was taken to the home of her sister and brother-in-law John Axum and cared for by them for about three months then moved to Mrs. Cisley Brooks' home where she now is.

Mrs. King is in bed and suffering from the infirmities of old age as well as being crippled and will probably not live very long.

To Mrs. J. B. King

Mrs. Brooks is a daughter and T. W. (Jack) Swan is her son. Mrs. Brooks stated to me that her mother Mrs. King wanted her son T. W. Swan to take her pension check each month and handle it as 'saw fit' and he came on the first day of the month and got the check after his mother indorsed it with his help, and had never given her but \$7.00 for all her care and work in the care and nursing of their mother. Swan lives near Rusk, Texas, and I did not get to see him. Mrs. Swan states that he has never did any thing in the care of their mother other than come and get the check; he does not come any other time. Mrs. Brooks has made the same complaints to the Dr. Davis, Mr. Parker and to the County Judge but without any apparant helpful advice.

Mrs. Brooks gave me this statement of account:

Mrs. King's bank balance when she got hurt	\$ 39.98
the checks received for pension to date	180.00
T. W. Swan borrowed at the bank and gave a mortgage on his mother's cow	50.00
Total probable available funds to 7-1-	\$269.98

(TX)

Mr. Parks told me that he ^{Swan} borrowed the \$50.00 and the Doctor told me he had paid him up to July 1; he has made to visits since then that is not paid for. He also stated that he had paid the drug account.

It appears that T. W. Swan is taking the check with the consent of his mother Mrs. King, but as to whether he uses it exclusively for her benefit is not clear. They seem to think all the bills had been paid except what

(1)

39934



Comptroller of Public Accounts
State of Texas
Austin

GEO. H. SHEPPARD, COMPTROLLER
 PAT DOOLEY, CHIEF CLERK

IN YOUR REPLY PLEASE REFER
 TO DIVISION NO. _____
 FILE NO. _____

Mr. J. H. Taylor #2 7-12-44

Mrs. Brooks might be due for her expense and service, for which she is complaining at this time. She has had the care of her mother exclusively for two months she says and has only received \$7.00. She is assisted by her grown son and a daughter whom she says had to quit their jobs to help her.

She also stated that the reason her mother was taken from Mr. Axum's place was, that Mr. Axum complained that he could not take care of the old lady for nothing while T. W. Swan got the check and cashed it without dividing or accounting for it to the benefit of his mother.

I reminded Mrs. Brooks that her mother may soon pass away, at which time she would have to be put away and maybe her brother, T. W. Swan would attend to that with what funds of hers he might then have in his possession.

In all, it is quite probable that this is another case of where one member of the family has the responsibility and care of the aged while another takes what she has and does as he please with it. If so, he should be dealt with in the way provided.

If there is any further service I can render in the case please advise. I return her letter to you.

Yours very truly,

C. H. Baugh
 State Tax Supervisor.

Enc.



39934

W. C. QUICK
COUNTY JUDGE
OF ANDERSON COUNTY
PALESTINE, TEXAS

April 25, 1924.

THE STATE OF TEXAS ()
COUNTY OF ANDERSON ()

I, W. C. Quick, County Judge in and for Anderson County, Texas, do hereby certify that I have talked with Mr. T.S. Davis, one of the affiants in the matter of the application of Mrs. J.B. King for a widows pension, and he says that Sam Swan, the deceased husband of Mrs. J. B. King and Tom Swan are one and the same, or that Sam Swan's full name was Samuel Thomas Swan.

Given under my hand and seal of office this 25th day of April, A.D. 1924.

W. C. Quick
County Judge



39934

Krueger



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 Samuel Thos Swan,
who is reported to have enlisted in Company 1st Mo. Art., Regiment _____

in service in the Confederate States Army.

Very respectfully,



Lon A. Smith

Comptroller of State of Texas.

Form 2105b-51891-8281m
MAY 16 1924
OLD RECORDS DIVN.

39934



Comptroller's Department

to state

title

W. F. BRADY, CHIEF CLERK
U. S. DEPARTMENT OF WAR

To the Adjutant General

Washington, D. C.

OFD

WAR DEPARTMENT.
THE ADJUTANT GENERAL'S OFFICE.
WASHINGTON May 17, 1924.

MEMORANDUM

Comptroller,
State of Texas,
Austin, Texas.

The records show that,-

Samuel F. Swan,

Srd. Batty, Missouri Lt. Arty., G.S.A.
Enl. Jan. 28, 1862, at Springfield,
Mo.

Prisoner of war records show that
he was, - Surrendered at Citronelle,
Ala., May 4, 1865, and, - Paroled at
Meridian, Miss., May 10, 1865, a
Private.

Took the Oath of Allegiance at
Kempnis, Tenn., June 2, 1865, a Pvt.
Residence: St. Louis, Mo.
Not found as Samuel Thomas Swan.
Nor as of the 1st. Co. Arty., G.S.A.



Robert E. Davis
Major General,
The Adjutant General.
By Te

Form No. 0-107-A.C.O.
39934

Comptroller's Department

U. S. DEPARTMENT OF WAR

July 14, 1944

17

Mr. A. H. Balch
State Tax Supervisor
Box 255
Tyler, Texas

Re: Mrs. J. B. King, Confederate Pensioner
Route 1, Elkhart, Texas.

Dear Sir:

I acknowledge receipt of your report of July 12 on the matter of how Confederate Pension Warrants issued to Mrs. J. B. King are being handled and expended.

Inasmuch as Mrs. King is endorsing and turning over pension warrants to her son, T. W. Swan to be handled as he sees fit, then it appears there is nothing further this office can do in regard to the matter.

I feel quite sure that if it is agreeable with the relatives of Mrs. King she could be placed in the Woman's Confederate Home at Austin. She would be cared for and furnished medical attention and everything for her comfort without any expense to her after she reaches the Home. They will not take persons who are violent and who will disturb other residents of the Home. If they wish to consider placing her in the Home then it is a matter they should take up with Mrs. Susan Butler, Superintendent, Woman's Confederate Home, Austin, Texas. Mrs. Butler will furnish blank forms for making application and all other information they desire.

If Mrs. King's mental condition is such that she is incompetent and cannot handle her finances, then it appears to me a guardian should be appointed of her estate. However, this is a matter that must be determined by her relatives or legal representatives.

You speak of Mrs. King's funeral expense. You probably know that at the time of the death of a pensioner, a mortuary warrant will issue to the heirs or legal representatives, or the person owning the account, for the purpose of paying the funeral expense in an amount not to exceed \$100.00. Proper notice must be filed with this office within forty days from the date of the death of the pensioner.

I wish to thank you for your splendid report and your interest in the matter.

Yours very truly,

JHT:EE
cc
Mrs. Cisley Brooks
Route 1
Elkhart, Texas

Geo. H. Sheppard
Comptroller of Public Accounts.

399-34
Anderson

Confederate Pension
Payments \$ 30 per month

RECEIVED
State Comptroller
JUL 7 1944
AUSTIN, TEXAS

Elkhart Texas
July 5th, 1944.

Red
7-10-44
C.H.B.

Hon, Geo H. Sheppard
Comptroler of Public Accountants
Austin. Texas.

Dear Sir:-

I am writing you regarding Mrs, J.B.King who is an invalid and has been sense the 29th day of January 1944. and who resides with me, I have been takeing care of her sense that date, and I have got no compensation for same, Mr.T.W.Swann have been receiving her pension checks and does not come to see her but once a month when the checks arives.

Mrs.J.B.King is also of feble mind as well a phicical disability,

I am just a widow woman and not in good health myself and I feel that the one that takes care of her should have the pension money to help defray the expence of takeing care of her. Will give you for refferences Dr.W.E.Davis of Elkhart Texas who can varrify this statement as he is her attending phicician and have ^{been} for years.

I feel that you can help me out in some way is why I am writing you, I have been told that there was a compensation allowed for the care of the widows of Conferedate soldiers in addition to the allotment allowed ~~allowed~~ them each month, as the allotment will not defray the expences of takeing care of her, I can furnish you plenty of witnesses as to her condition and also to ^{my} phisical/condition, of not being able financialy to bare the expences myself. the County Judge of Anderson County advised me to write ^{you} fully regarding her condition, and that her son only came once a month to see her and get the check you sent her, and appropriated it to his own use. except paying one hospital bill of \$24.00

July 7, 1944

17

Mr. A. H. Balch
State Tax Supervisor
Box 255
Tyler, Texas

Re: Mrs. J. B. King, Confederate Pensioner
Route 1, Elkhart, Texas

Dear Sir:

Enclosed is a letter dated July 5, 1944 and signed by one Mrs. Cisley Brooks, Route 1, Elkhart, Texas, which letter is self-explanatory.

In talking the matter over with our Mr. J. W. Byrne, he requested that the information be sent to you and requests that you make proper investigation of this matter as to just what should be done and also determine just how her pension warrants of \$30.00 per month which are being issued to her are being handled and expended. This money should be expended exclusively for the care and comfort of the pensioner, Mrs. King, and no one has the right to expend it otherwise where it is necessary to be used for the care of said pensioner.

If the pensioners' mental condition is such that she is unable to properly care for herself, as may be indicated by the enclosed letter, then it might be proper to place her in the Woman's Confederate Home at Austin, Texas. However, this is a matter that must be decided by persons who have her in charge. If she is being improperly cared for then it is a matter that should be discussed with the County Judge of Anderson County. Under such a condition it might be proper that a guardian of her estate be appointed.

In cases of dire necessity persons will be furnished some assistance by the State Department of Public Welfare in addition to the \$30.00 per month received from the Confederate Pension Fund. This, however, is a matter that should be taken up with the representatives of the State Department of Public Welfare of Anderson County.

If convenient you might also discuss this matter with the son, Mr. T. W. Swann as well as with Mrs. Brooks. I am not informed as to who Mrs. Brooks is or why she is required to care for the pensioner.

I will appreciate a report on this matter as early as convenient. You may return the enclosed letter with your report.

Yours very truly,

JET:EE
encl.
cc. Mrs. Cisley Brooks
Route 1
Elkhart, Texas
Mr. T. W. Swann
Elkhart, Texas

Geo. H. Sheppard
Comptroller of Public Accounts.



(2)

Please look into this and if you can help me out in any way it will be surely appreciated.

And any information you wish will be glad to furnish it from any citizens who could be relied upon to give you the facts as I have tried to set out for your information.

Yours very truly

Mrs. Cisley Brooks

Mrs. Cisley Brooks.
Route #1. Elkhart Texas.



July 1943
Mrs. J. H. Fleming
1411 - Eckhart
Chas. W. J. Bart -
30 acres - \$150.00



COMPTON METAL WORKS
1000 - 10000

... ..
... ..
... ..
... ..
... ..

B

A. H. Balch
State Tax Supervisor
Tyler Tx (Box 255)

39934
Anderson

APPLICATION FOR MORTUARY WARRANT

24786

THE STATE OF TEXAS,

County of Anderson } I, Mrs. Cisley Brooks

do hereby certify that I am the person to whom is entrusted the paying of the accounts and indebtedness of the late Mrs. J. B. King, who was a pensioner of the State of Texas, and whose file number was 39934 and whose original county was Anderson

The said pensioner Mrs. J. B. King, died on the 19 day of July, 1944, in the town of Elkhart County of Anderson, Texas.

The pensioner died in the home of Mrs. Cisley Brooks who was related to the pensioner as Daughter

That the warrant, which application is hereby made for, shall be applied to paying all or part of the funeral expenses incurred by the said pensioner Mrs. J. B. King

I further certify that the warrant for the current month has not been cashed by the pensioner, to the best of my knowledge and belief.

I am related to the pensioner as Daughter that my postoffice address is Rt. 1 Street or R. F. D.

Elkhart City

Texas State

Signed Mrs. Cisley Brooks

Sworn to before me this 22nd day of July, 1944

Mary Louise Ryan Mary Louise Ryan

Notary Public in and for Anderson County, State of Texas.

Must return before 40 days expires from date of Pensioners' death

CERTIFICATE OF UNDERTAKER

I, J. B. Bailey Jr., do certify that I am undertaker in the town of Palestine, County of Anderson, State of Texas that I had charge of the body of Mrs. J. B. King, who died in the town of Elkhart, County of Anderson, State of Texas on the 19 day of July, 1944. That said body was prepared for burial by me on the 30 day of July, 1944, and that I am of the opinion that warrant herein applied for should be issued to the said Mrs. Cisley Brooks who makes the foregoing application.

Signed J. B. Bailey Jr. Undertaker.

CERTIFICATE OF PHYSICIAN

I, N. E. Davis M.D., do certify that I am a practicing physician, and that I attended Mrs. J. B. King in his last illness, and am of the opinion that his ailments were Broken Hip Joint, and

Old age OK

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.

July 1944 warrant #24676 for #30 canceled. Signed N. E. Davis M.D. Physician's Address Elkhart Texas TX