

15451

~~DEAD~~

FORM A

Dead

Soldier's Application for Pension

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

7-20-1911

Name of Applicant.

John M. Simmons
Henderson County

Postoffice

Starks #1

Filed

Approved

AUG 31 1909

Pension allowed from

Rejected

Commissioner of Pensions.

FORM A

For use of Soldiers, who are in indigent circumstances

THE STATE OF TEXAS }

County of Henderson }

I, John H. Simmons, 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 Surrendered near Huntsville, North Carolina,
by Joe Wheeler (General)

(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? 70 Sixty Nine Years old.
2. Where were you born? In Calhoun County, Ala.
3. How long have you resided in Texas? Since 1867.
4. In what county do you reside? Henderson
5. How long have you resided in said county and what is your postoffice address? 17 years
Stems, 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

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. From Oct 23, 61, to Joe Wheeler's Div.

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

H. Fries Ala. Cavalry

TX

11. If transferred from one command to another, give time of transfer, name of command and time of service.

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

Cavalry

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

Private

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

no

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)

John K. Simmons

Sworn to and subscribed before me, this *2* day of *July*, A. D. 19*09*

[SEAL.]

John S. Price
County Judge *Henderson* County, Texas.

AFFIDAVIT OF WITNESSES

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

THE STATE OF TEXAS }

County of *Henderson*

Before me *John S. Price*, County Judge of *Henderson* County,

State of Texas, on this day personally appeared *J. D. Dur* + *W. J. Mitchell*, who are personally

known to me to be credible citizens, who, being by me duly sworn, on oath state that they personally know *John K. Simmons* the above named applicant for a pension, and that they personally know that the said *John K. Simmons* 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. D. Dur

(Signature of Witness)

W. J. Mitchell

Sworn to and subscribed before me, this *22* day of *Aug.*, A. D. 19*09*

[SEAL.]

John S. Price
County Judge *Henderson* 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

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.....further make oath to the following facts touching the applicant's service in the Confederate Army:

(Signature of Witness)

(Signature of Witness)

Sworn to and subscribed before me, this _____ day of _____, A. D. 19_____

County Judge.....County, Texas.

[SEAL.]

CERTIFICATE OF THE STATE AND COUNTY ASSESSOR

I, W. J. Davis, State and County Assessor in the County of Anderson
State of Texas, do certify that Ernest H. Hinson 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, ap-
proved March 26, A. D. 1909, is charged on the land and personal property rolls of said county with estate, real, per-
sonal and mixed, at the assessed value of \$75.00 dollars.

Given under my hand, this 27 day of Aug, A. D. 1909

State and County Assessor.



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

Applicant for Confederate Pension.

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

Answers and depositions of (1)

Jim Able
one mile East of Bulcher Tex
Marysville P.D.R. 1 Box 20

to the accompanying interrogations (2)

propounded to *him* in the above entitled cause taken before (3)in accordance with the accompanying (7) *agreement*

To the first interrogatory the said

Witness, answers

James Monroe Able. (b) 80 yrs. (c) one mile East of
Bulcher Texas (d) Marysville P.D.R. 1 Box 20

To The 2nd Int he Ans:

yes; from boyhood till after
Surrender

To 3d Int. he Ans:

from boyhood (b) Calhoun County Alabama

To the 4th Int. he Ans:

*Yes.*To 5th Int he Ans; *yes, we both enlisted in 8 battalion and**was afterwards consolidated with first Ala. regiment, Company*
4. and served till surrender. (at Gadsden Alabama,

To 6th Int. he Ans:

*(a) I do not,*To 7th Int. he Ans: *a. He discontinued his service**to the Confederacy.*

ANSWERS OF THE WITNESS JIM ABLE TO THE CROSS INTERROGATORIES.

To the First Cross Int. he Ans:

I enlisted with him, served
and slept with him (b) I know now never knew of any

To 2nd Cross Int. he Ans:

Yes,

To 3d Cross Int. He Ans:

Yes, he served through war
and received an honorable discharge

To 4th Cross Int. he Ans:

No, he never deserted nor
voluntarily abandoned his post of duty

TX

J. M. Able

Subscribed and sworn to before me, this 18 day of August, 1909

J. C. Cox
Notary Public
George W. Jones

THE STATE OF Texas
County of Dooral

I, J. C. Cox
(Here give name and official character of officer before whom taken.)

do hereby certify that Jamison Able
and James M. Able are personally known to me to be credible citizens of said County and State, and that the foregoing answers of

the witness Jamison Able before named, and James M. Able, 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 18 day of August, 1909
(L. S.)

J. C. Cox
Notary Public
George W. Jones

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

EX PARTE

John H. Simmons
Applicant for Confederate Pension

DEPOSITION

OF
Jamison Able
James M. Able

Witness for Applicant

Filed _____ day _____
of _____ 190____
Clerk.
By _____ Deputy.

Fee for Taking Deposition, \$ _____

VON BOECKMANN-JONES COMPANY, PRINTERS, AUSTIN, TEXAS

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

John H. Simmons
Applicant for Confederate Pension.

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

The Honorable County Judge of *Henderson* 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 *Jim Able*
and *Cook* who reside in the County
of *Cook* 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 her 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
Henderson and State of Texas, of which she is a bona fide resident.

John H. Simmons
(Applicant) Attorney for Applicant.

Direct Interrogatories to be Propounded to the Witness.

- Jim Able*
- 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 *John H. Simmons* whose
widow is an applicant for pension under Act of March 26, 1909?
- INT. 3. How long had you known the said *John H. Simmons*
and when and where did you first know him?
- INT. 4. Do you personally know that the said *John H. Simmons*
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 *John H. Simmons*
enlisted and served in the Confederate army? When? Where? And the time of service? If you person-
ally 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 *John H. Simmons*
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 *John H. Simmons* 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 *Jim Able*

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

Cross INT. 3. Do you know whether or not the said John M. Summons
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 John M. Summons
deserted his command, or voluntarily abandoned his post of duty or the service during said war?

THE STATE OF TEXAS,

County of Henderson

I, John S. Bruce, 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.

John M. Summons
County Judge Henderson County, Texas.
John M. Summons
(Applicant) Attorney for Applicant.

In Re
Application for Confede

Pension.

FOR USE OF WIDOWS.

Henderson 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

John K. Simmons

Under Act March 26, 1909, pending Henderson

Applicant for Confederate Pension.

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

Answers and depositions of (1)

A. J. Able, a resident of
Madell, Marshall County, Oklahoma.

to the accompanying interrogations (2)

and Cross-interrogatories
propounded to him in the above entitled cause taken before (3)

in accordance with the accompanying (7)

To the first interrogatory the said

Witness, answers.

My name is A. J. Able, Age 65 years,
residence and Post office address are
Madell, Marshall County, Oklahoma.
Second: I do know John K. Simmons
the said applicant, and have known him about
Sixty years: we were raised together.

Third: I have known him for about
Sixty years.

Fourth: Yes, I personally know that he enlisted
as a Soldier.

Fifth: He enlisted in Company H. under Captain
David Webb, at Gadsden, Alabama, sometime
in the year, 1862 to the best of my recollection.
Company H. was a part of the 12th Alabama
Battalion, which was afterwards Consolidated
with the First Alabama Cavalry Regiment. And
he served until the Close of the War.

Sixth: I do not know whether or not
he was a Commissioned Officer.

Seventh: I do not know whether he was
detached for any Special Service or not.

Answers to Cross Interrogatories:

First: As stated in my direct answer to
Direct Interrogatory Number 3 I have
known John K. Simmons for about Sixty years,
and while I was not at Gadsden at the
time he enlisted, I was in Company A,
of 19th Alabama Infantry, and I frequently

TX

Saw John K. Simmons during the war and know that he was serving in the Army during war from the time he enlisted. I also had two brothers in the same Company with John K. Simmons, named Bill Able and Jim Able, respectively. Bill Able now lives at Gadsden, Alabama and Jim Ables lives at Sainsville, Texas. John K. Simmons also had a brother by the name of Bill Simmons who served in the same Company with me.

I never knew of any other person by the name of John K. Simmons, who served in the war or in the Company and Regiment in which John K. Simmons, the applicant, served.

Second: I am

Three: He served honorably throughout the war.

Fourth: He did not.

Subscribed and sworn to before me, this 28 day of July, 1909

A. B. Alsop
A. B. Alsop
Clerk of County Court of
Marshall County, Oklahoma

THE STATE OF Oklahoma
 County of Marshall
of said County & State do hereby certify that

I, A. B. Alsop, Clerk of County Court
 (Here give name and official character of officer before whom taken.)
A. J. Able

A. J. Able are personally known to me to be credible citizens of said
 County and State, and that the foregoing answers of A. J. Able
 the witness before named, A. J. Able

whose name appears signed to the foregoing deposition, were made before me
 and were sworn to and subscribed before me, by said witness A. J. Able

Given under my hand and official seal, this the 28 day of July, 1909
 (L. S.) A. B. Alsop

Clerk of County Court of Marshall
County Oklahoma

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

EX PARTE

John H. Simmons
 Applicant for Confederate Pension

DEPOSITION

OF

A. J. Able

Witness for Applicant

Filed _____ day _____

of _____ 190 _____

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

John K. Simmons
Applicant for Confederate Pension.

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

The Honorable County Judge of *Henderson* 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 *A. J. Able*
and *John K. Simmons* who reside *at* in the County of *Madison* in the State of *Ala*
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 *Henderson* and State of Texas, of which he is a bona fide resident.

John K. Simmons
(Applicant) Attorney for Applicant.

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

A. J. Able

- 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 *John K. Simmons* who is an
applicant for pension under Act of March 26, 1909?
INT. 3. How long have you known the said *John K. Simmons* applicant for pension
and when and where did you first know him?
INT. 4. Do you personally know that the said *John K. Simmons* 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 *John K. Simmons*
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 *John K. Simmons* 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.

To be Propounded to

A. J. Able

TX

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 *John K. Simmons*
Simmons serving in the same company or regiment or special service in which you say the said applicant *John K. Simmons*
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 John R. Simmons
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 John H. Simmons applicant for pension, is the identical person serving as testified by you?

Cross INT. 3. Do you know whether or not the said John H. Simmons 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 John R. Simmons deserted his command or voluntarily abandoned his post of duty, or the service during said war?

THE STATE OF TEXAS,

County of Hudson

I, John S. Bruce, 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.

County Judge.....*Anderson*.....County, Texas.

~~(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.



E. A. BOLMES, 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 John K. Simmons who is reported to have enlisted in
Company H, Regiment 1st Alabama Cavalry
in the service of the Confederate States Army.

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,

E. A. Bolmes

Commissioner of Pensions.



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

WAR DEPARTMENT, 1568660

THE ADJUTANT GENERAL'S OFFICE,

WASHINGTON, Sept. 20, 1909.

Respectfully returned to the
Commissioner of Pensions,
State of Texas,
Austin.

The name John K. Simmons has not been found on the rolls, on file in this office, of Company H, 1st Alabama Cavalry, Confederate States Army. The prisoners of war records (Union) show John _ Simmons, private, Company I, 1st Alabama Cavalry, Confederate States Army, captured July 29, 1863, died of smallpox August 27, 1863, at Alton prison.

The records show that Company H, 1st Alabama Cavalry, became Company A, 12th Alabama Cavalry, Confederate States Army. The records of the latter organization show John K. Simmons, corporal, Company F, 12th Alabama Cavalry, enrolled September 9, 1862. On muster roll dated December 31, 1864, last on file, he is reported present. Nothing further relative to him has been found of record.

The Adjutant General.