

Soldier's Application for Pension

I, David Salmon

am a citizen of Kentucky, resident at Prestonsburg in the County of Floyd

in said State of Kentucky, and was a soldier from the State of Kentucky, in the war between

the United States and the Confederate States and I do hereby apply for aid under the Act of the General Assembly of

Kentucky, entitled "An Act granting pension to disabled and indigent Confederate soldiers." And I do solemnly swear

that I was a member of Company "A" of (5th) Fifth Regiment

of Kentucky Infantry

in the service of the Confederate States, and that by reason of disability and indigence I am now entitled to receive the

benefit of this Act. I further swear that I do not receive aid or pension from any other State, or from the United States,

and that I am not an inmate of any soldier's home, and that I am unable to earn a reasonable support for myself and fam-

ily. I do further solemnly swear that the answers given to the following questions are true:

In what County, State and year were you born?

Answer I was born in Patrick County Virginia Mch. 8th 1842

When did you enlist and in what command? Give the names of the regimental and company officers under whom you served?

Answer About September 1861. In Company "A" (5th) Fifth Regiment of Kentucky Infantry. Tom Warshaw was Captain. A. J. May of Tazewell Va. was Colonel. General John S. Williams

How did you get out of the army, when and where?

Answer I was disbanded at Hazelgreen Ky at end of the year since in 1862 by General Humphrey Marshall.

Were you ever in prison? If so, state what prison and when released.

Answer Yes. Was imprisoned at Lexington Ky. about 3 months near the close of the war in 1864 awaiting trial as a Guerrilla but was discharged from prison

Were you paroled? If so, when and where?

Answer No.

Did you take the oath of allegiance to the United States Government?

Answer Yes.

If so, when and under what circumstances?

Answer At Lexington Ky. year 1864 when released from prison as above stated

In what business are you now engaged, if any, and what do you earn?

Answer Farm some as a renter but am unable to earn a living;

What estate have you in your own right, real and personal, and what is its actual cash value?

Answer I have no real estate at all. Own one mule & one Cow and five small hogs. Worth altogether about \$100.00

What estate has your wife in her own right, real and personal, and what is its actual cash value?

Answer No estate at all.

State the net income of yourself and your wife from all sources for the past year. This must include all money received either from wages, rents or interest on loaned money, if any.

Answer We have no income whatever. My wife earns 1.50 per week washing. I raise a few garden vegetable worth in the aggregate about \$50.00 per year.

Do you use intoxicants to any extent?

Answer No.

How long and since when have you been an actual resident of the State of Kentucky?

Answer Continuously since 1852. Came from Virginia that year.

Have you an attorney to look after this application?

Answer Yes

If so, give his name and address?

Answer A. J. May Prestonsburg Ky.

Witness my hand this 29th day of April 1912

witness to mark

WITNESSES:

W. W. Richmond, Physician P. O. Prestonsburg Kentucky

Postoffice Address Prestonsburg Ky Street and No. (if any)

Hugh Marshall Witness R. F. D. (if any)

Postoffice Address Prestonsburg Ky

W. B. Harmon, Witness

Postoffice Address Prestonsburg Ky

STATE OF KENTUCKY

Floyd County I, Malcolm Hall Judge of said County,

certify that David Solomon and his wife are

assessed with no acres, valued at \$ 700, and with \$ 200 of personal property.

Witness my hand this 5th day of July 1912

Malcolm Hall Judge County Court.

If applicant and his wife have no property, the Judge must so certify.

STATE OF KENTUCKY

Gloyd County } Personally appeared before me... A. County... Court Clerk... of said County, the above named... David Salmons... the applicant, with whom I am personally acquainted, and having the application read and fully explained to him, as well as the statements and answers therein made, made oath that the said statements and answers are true.

Witness my hand and seal of office, this... 22... day of April... 1912... J. J. Harris Clerk

STATE OF KENTUCKY

Gloyd County } Personally appeared before me... A. County... Court Clerk... of said County, the above named... Dr. W. W. Ruckmeyer... one of the subscribing witnesses to the foregoing application, and who is a physician of good standing, and being duly sworn says that he has carefully and thoroughly examined... David Salmons... the applicant, and find him laboring under the following disabilities: Unable to earn a support by manual labor.

This applicant has a right inguinal hernia, piles, this with the infirmities of old age he says renders him unable to do manual labor

Witness my hand and seal of office, this... 22... day of April... 1912... J. J. Harris Clerk

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

STATE OF KENTUCKY

Gloyd County } Personally appeared before me... A. County... Court Clerk... of said County, the above named... Hugh Marshall... and W. B. Horman... two of the subscribing witnesses to the foregoing application, with whom I am personally acquainted, and known to me to be citizens of veracity and standing in this community, and who make oath that they are personally acquainted with the foregoing applicant, and that the facts set forth and statements made in this application are correct and true, to the best of their knowledge and belief, and that they have no interest in this claim, and that 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... army. State here what witnesses know of their own knowledge.

Witness my hand and seal of office, this... 22... day of April... 1912... J. J. Harris Clerk

Rec - 8-30-13 E

No 67
3163

Subscribed April 22nd 1912
By H. H. Brown Clerk
No.

STATE OF KENTUCKY

Soldier's Application for Pension

David Salmons

Co. Rgt.

Filed JUN 1 - 1912

Allowed

Read Specifications on Back.

- SPECIFICATIONS
- 1.....
 - 2.....
 - 3.....
 - 4.....
 - 5.....

Allowed Jan. 15. 1915

W. J. Stone Commissioner.

All blanks on this form to be filled by the Pension Board
KENTUCKY STATE JOURNAL PUBLISHING CO., FRANKFORT, KY

To Applicants for Pension

The material facts to be proven in the pension claim, under the laws of the State of Kentucky, are as follows:

1. Service in army.
2. Present Disability.
3. Indigency.
4. How you got out of the Army.
5. Character as a Soldier and Citizen.
6. Applications will not be filed unless certificates of Doctor and County Judge are filled out.

1. May be proven by officers or comrades.
2. May be proven by physician's certificate.
3. May be proven by neighbors and by certificate of County Judge.
4. May be proven by filing parole or discharge, or in case these have been lost or destroyed, by officers or comrades who know the facts.
5. May be proven by comrades and citizens.

Indorsement.

PENSION EXAMINER'S OFFICE,

FRANKFORT, KY.

DAVID SALMONS

The records show that he enlisted Oct. 28, 1861, in Co. E, 5th Kentucky Mtd. Inf'y. and that he deserted January 19, 1862. Three comrades testify that after a short absence he returned to the service and served till the close of the term of enlistment of that regiment and was mustered out with his company October 22d, 1862, at Hazel Green, Ky.

Indigent.

Approved:

W J Stone.

ADJUTANT GENERAL'S OFFICE

2074654

WAR DEPARTMENT

WAR DEPARTMENT,

THE ADJUTANT GENERAL'S OFFICE,

WASHINGTON, September 4, 1913.

2074654

Respectfully returned to the

Examiner,
Confederate Pension Department,
Frankfort, Ky.

The records show that David Salmons, pvt., Co. E, (name not found on rolls of Co. A) 5th Ky. Inf., Mtd., C. S. A., enlisted October 28, 1861. On the roll from pec. 31, 1861, to April 30, 1862, last roll on which his name appears, he is reported to have deserted Jan. 19, 1862. No later record of him has been found.

H. D. Husband
Adjutant General.

Form No. 70, A. G. O.
Ed. May 10-13-75,000.

SEP 8 1913

No. S.

HEADQUARTERS

Confederate Pension Department

W. J. STONE, EXAMINER

FRANKFORT, KY.

August 31, 191 5

GEN. W. P. HALL,
Adjutant General, U. S. A.,
WASHINGTON, D. C.

Dear Sir:

David Salmons

who is an applicant for Pension under the Kentucky Pension law, claims
to have been a member of Company "A" - 5th Kentucky
Regiment Infantry C. S. A., and to have been

Please give me the record of this soldier.

Respectfully,

W. J. Stone

Examiner.

PRESTONSBURG, KY., _____ 191

State of Kentucky
Floyd County Court 1 Reg. May Term May 24 - 1912

In the Pension case of David Salmon of
Prestonsburg Ky after being sworn says Mr Harris of
~~the~~ Prestonsburg Ky after being sworn says he has been
acquainted with claimant all his life that he lives &
resides in Floyd County that he owns no real estate
a very little other property has no income and that
he is not able to earn a support by work
has no means to support himself or wife except his little
labor that he does

Also Thomas Burchett of Prestonsburg who after being
sworn says he knows claimant got no land
little other property no income not able to earn a
support by work or trade.

And I certify that these witnesses are reputable and
entitled to credit the Court are present & offered
no proof I further say this claim is a meritorious
one and if his name would guarantee it he should
have it & I hereby recommend the same

Malone Hall

C. Judge

November 20th, 1914.

A. J. May,

Prestonsburg, Ky.

Dear Sir:-

In the matter of the application of David Salmons, when he filed his application for pension he filed no proof of his enlistment and service in the Confederate army. An inquiry to the War Department for any record of his service that might be on file there brought the information that the records show that he enlisted October 28, 1861, and deserted January 19, 1862, and no later record of him has been found.

This record would make it impossible for him to be allowed a pension under the law.

Very truly,

Commissioner.

WJS-E

In Re- Pension Claim of David Salmons.

State of Kentucky

Floyd County //Sct.

The affiant Hugh Marshall states that he was a confederate soldier in the Army of the confederate states of America, and that he is personally acquainted with, and has known the applicant David Salmons for more than, fifty years. That he and the applicant David Salmons, enlisted in Company E. 5th Kentucky Volunteer Infantry, (Twelve months troops) at Prestonsburg Ky. in the closing days of the month of October 1861. That they served as soldiers in said company, continuously, until they were both disbanded at Hazel Green Ky., by their superior officers at the end of the twelve months service.

This affiant was with said Salmons and knows that he was a faithful soldier continually with the exception of a short time, that they were seperated immediately following the battle of Ivy on Sandy River.

We were seperated during this battle, at Ivy Kentucky and a short time thereafter, the applicant David Salmons, re-joined his company at Harricone Mills in Pike County Kentucky, some fifteen miles above where the battle took place. Affiant says that he knows, that the claimant, served the full term of twelve months in the confederate army and never deserted, but was disbanded at Hazel Greek Ky, as above stated. Affiant knows that said Applicant was always obedient to the orders of the officers of the army and a faithful soldier and rendered valuable service to the confederate cause.

Hugh Marshall

Subscribed and sworn to before me by Hugh Marshall this
Nov. 20th 1914.

A. J. May
Notary Public
Floyd County, Kentucky

desertion during his services in the Army, and that if the War records at Washington show that he deserted the Army that the entry upon the record showing such desertion is a mistake.

That he is a poor man and has no property sufficient to support him and his family, and that he owns no real estate whatever.

witness to mark
A. Kelley David ^{his} Salmons
mark

Subscribed in my presence and sworn to before me
by David Salmons, this the 21st., day of November, A. D.,
1914.

Edgar E. Stephens

Notary Public, Floyd Co., Ky.

My commission expires January
13th., A. D., 1918.

November 23, 1914.

A. J. May,

~~Prestonsburg, Ky.~~

Dear Sir:-

I am in receipt of yours of the 21st enclosing the affidavits to which you refer to be filed with the application of David Salmons.

These affidavits testify to a continual service of David Salmons until the time he enlisted until he was discharged, when the war records show that he deserted January 19, 1862. ~~xxxx~~ That charge was made by his own Company officers and made at the time it occurred, and every man who knows anything about army regulations knows that the entry of the charge of desertion is never made against the name of a soldier unless there is some reason therefor. These affidavits make no attempt at an explanation as to why that charge was made, but simply say that it was a mistake.

I would not have you think for a moment that I am criticising the affidavits, but I am simply showing you the conflict between these affidavits and what the record shows, and the ~~record being made at the time of the occurrence makes that evidence~~ very strong and if contradicted some explanation of why the ~~is~~ entry was made by the officers of the company should be given.

Very truly,

Commissioner.

WJS-C

Mary & Mary
Attorneys & Counsellors
Prestonsburg, Ky.
W. H. MAY. A. J. MAY.

December 2, 1914.

Capt. W. J. Stone,
Pension Commissioner,
Frankfort, Ky.

Dear Sir:-

I am in receipt of your letter of November 23rd., regarding the application of David Salmons for Confederate Pension, in which you acknowledged receipt of the Affidavits of David Salmons, Thomas Burchett and Hugh Marshall. Since these Affidavits show a continual service of the applicant in the Confederate Army from the time he enlisted until he was discharged, and there being nothing to contradict it except the War Records showing that he deserted January 19th., 1862, it seems to me that the case resolves itself into a question of fact as to whether he deserted or not. The issue of fact being squarely presented as to whether he deserted or not, then you have the Affidavit of himself, stating positively that he did not desert, and in this he is corroborated and supported by the Affidavits of the other two comrades, and yet it seems that this testimony is not sufficient to overcome the presumptive correctness of the entry made by the Army Officers showing desertion on the War Records.

Now, as a Lawyer, I would not contend for a moment that an entry made at the time of the occurrence in writing is not the best evidence of what occurred, but that can be overcome by positive statements of witnesses. The circumstances surrounding the making of the entry by the officers no doubt, were not of such a quiet and peaceable character as would entitle these records to the weight that an ordinary record would be entitled to in peaceable conditions. This single record may be correct and may not be correct, it being held as a barrier against this claimant in the face of positive statements that he did not desert, which is supported by two other living witnesses, and since the hand of time has removed others by whom he could establish this same fact, I believe that the Pension Commission ought to take the view of this matter that a man in his declining years without any interest whatever in the matter, and when they are close to the edge of the grave, would have no motive for swearing falsely about these small matters.

I would like for you to consider this matter, and if you still hold that the record is sufficient to overcome the

Mary & Mary
Attorneys & Counsellors
Prestonsburg, Ky.
W. H. MAY. A. J. MAY.

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Mary & Mary
Attorneys & Counsellors
Prestonsburg, Ky.

W. H. MAY.

A. J. MAY.

Capt. W. J. S. -2-

testimony of three witnesses, we will undertake to get another one, if we can find another one of the living Monuments of the Confederacy that we can introduce. You understand that living witnesses are extremely scarce, and are growing scarcer still as the years go by, and surely you will take the view that ~~rather than slander and humiliate one of the wearers of the Gray by refusing him a Pension on the ground of desertion, that the proof of his desertion ought to be very convincing and overwhelming.~~ It would be a sad day in the life of old man Salmons to know that he had been branded as a "deserter" of his cause and for which he so gallantly fought. I am sure that you will want to know that he is guilty before you will refuse him.

Kindly advise me of your final decision in the matter as it now stands.

Yours very truly,

A. J. May

AJM-E

December 4, 1914.

A. J. May,

Prestonsburg, Ky.

Dear Sir:-

I am in receipt of yours of the 2d, and must say that I am surprised at the tone of it, or I might say the insinuation in it that I am disposed to slander or humiliate David Salmons in any way.

I have not charged David Salmons with desertion. I have charged no man with desertion. I have done in his case what I have done in all cases; I have told those with whom I corresponded about them what the records show, and I have done it because I believed it was my duty to tell them plainly what the records and the proof shows.

The record shows that David Salmons' company officers marked him as having deserted January 19, 1862, and I am no way responsible for it.

In my letter to you of a few days ago I told you that I had received the three affidavits which you enclosed, and I also suggested to you that as these persons swore that he was continually absent and that there was no record of his return to the service of desertion was made in the records, and if he returned to the service that should be shown, and when he returned to the service. I told you at the same time I was not criticising the persons who made these affidavits, but thought I made it plain to you that what I meant was to give you and Mr. Salmons and these affiants such information as to enable you to supply the above indicated information, and in return I receive your letter with the intimation that I am disposed to slander Mr. Salmons.

Very truly,

Commissioner.

WJS-C

Mary & Mary
Attorneys & Counsellors
Prestonsburg, Ky.
W. H. MAY. A. J. MAY.

December 22, 1914.

Capt. W. J. Stone,
Frankfort Kentucky,

Dear Capt:-

I enclose an additional affidavit in support of the Application of David Salmons for pension. Please acknowledge receipt and take up the case as soon as possible and dispose of it as you think just and let me know the outcome.

Wishing you a long continuance of good health a happy Christmas and a prosperous New Year, I am,

Very truly your friend,

A. J. May

IN RE: PENSION CLAIM OF DAVID SALMONS
FOR CONFEDERATE PENSION.

The affiant, Asa B. Bays, states that he is personally acquainted with David Salmons, the applicant for Confederate Pension; that he has known him intimately since they were boys together; that he and the applicant, David Salmons, joined the Fifth Kentucky Volunteer Infantry in Company "E", known as the Twelve Months Troops at Prestonsburg, Kentucky about the close of the month of October, 1861; he says that he was with said Salmons afterwards in the Battle of Ivy, and that they were inlisted in what is known as twelve months troops; that he served with said Salmons until they were disbanded at Hazel Green, Kentucky, by his superior officers.

The affiant says that he never knew of the applicant, David Salmons deserting the Army, and that he was a good Soldier, always obedient to the commands of his superior officers. The affiant further says that he has no interest in the claim of the said David Salmons, and has no interest whatever in it, except to see the right thing done.

Asa B. Bays
man

Subscribed and sworn

to before me by Asa B. Bays this the 22nd., day
of December, A. D. 1914.

MY commission expires Jan. 15, 1918.

Edgar Stephens
Notary Public

IN RE: PENSION CLAIM OF DAVID SALMONS.

STATE OF KENTUCKY,)
) SCT.
COUNTY OF FLOYD.)

The affiant, THOMAS BURCHETT, states that he volunteered as a Confederate Soldier in the fall of 1861 in the Army of the Confederate States of America. That he is personally acquainted with, and knows the applicant, David Salmons for a number of years before the commencement of the Civil War. That he and the applicant, David Salmons, enlisted in Company "E" Fifth Kentucky Volunteer Infantry (Twelve months Troops"), and were in camp near the Mouth of Ivy Creek in Floyd County, Kentucky, together just before the battle of Ivy Mountain. That they marched down from Pikeville to the Mouth of Ivy Creek where they were together in the battle of Ivy Mountain. This affiant says that he was captured in the battle of Ivy Mountain, and that he afterwards made his escape and returned to his company, and when he returned to his company, the applicant and claimant, David Salmons, was in the company still in the service as a soldier. That he remained in the service of the Confederate Army a good and faithful soldier, obedient to the commands and orders of his Officer, until they were discharged or disbanded by their superior Officers at Hazel Green, Kentucky, at the expiration of their term of service for which they had enlisted.

That they belong to what is known as "twelve months

Troops". This affiant says that he knows the applicant and claimant served the full term of twelve months in the Confederate Army and never deserted, so far as he knows. That he was with his company and was disbanded by his superior officer with this affiant at Hazel Green, Kentucky, in the last of October or November, 1862.

Just James

witness No name
A. J. Murray

his
Thomas X Burchett
name

Subscribed and sworn to before me by Thomas Burchett, this the 21st., day of November, A. D., 1914.

My commission expires January 13th., A. D. 1918.

Edgar Stephens
Notary Public, Floyd Co., Ky.

Prestonsburg, Ky.

12th 7

1928

Confederate Pension Department

Frankfort, Kentucky.

Dear Sir in Reply to yours Received

David Salmons

Death, August 19 " 1928

Yours

Mrs. Bessie Clifton

Bot 44