(3—1776)

SERVICE		NUMBER
S. C.	Miller, John	S. 1702

K. 1766 & 1767.

carded.

CONTENTS

22157

West Tennessee

John Miller

of Gibson Co in the State of Tennessee who was a private in the Compy commanded by Captain Norwood of the Regt commanded by Col — in the ~~N. C.~~ Mile ~~line~~ for 7 mos for 1781.

S. C. Line. Records corrected Oct 31 '13

Inscribed on the Roll of W. Tennessee at the rate of 23. Dollars 33 Cents per annum, to commence on the 4th day of March, 1831.

Certificate of Pension issued the 15 day of Oct 1833 — and sent to John Parker, Trenton.

Arrears to the 4th of Sept 33 $ 58.33
Semi-anl. allowance ending 4 Mch 34 11.66

$70.00

{Revolutionary Claim, Act June 7, 1832.}

Recorded by Wm H Allison Clerk

Book E Vol. 7 Page 89

Declaration in order to obtain the benefit of an Act of Congress passed June 7th 1832.

State of Tennessee } County Court. December Term 1832.
Gibson County. }

On this 19th day of December, A.D. 1832: personally appeared in the Court of Pleas & quarter Sessions now holding for said County, John Miller a resident of said County aged about Sixty five or Six years, (he having no record of his age,) on the 21st of January next, who being first, duly sworn according to Law doth on his oath make the following declaration in order to obtain the benefit of an Act of Congress passed June 7th 1832.

This declarant, was born in Abbeville County South Carolina on the 21st of January A.D. 1766-7, where he continued to reside until the close of the Revolutionary War.

This declarant states that sometime in the year 1780, or 1781 he joined a Company of Rangers in Abbeville City South Carolina commanded by Captain John Norwood to go out against the ~~Indians~~ Cherokee Indians who were then very hostile on the frontiers. He states that they were marched out towards Georgia and were absent about a month, after the expiration of which time he states they returned home. Some time after this declarant states the Indians became very troublesome, and this declarant then enlisted ~~Captain John Norwood~~ under the same Captain John Norwood, to serve for nine months, in the protection of the State of Georgia and South Carolina. This declarant

states they were marched out of Abbeville County (S.C.) to the line, and were employed in Ranging against the Cherokees. This declarant states they were out on this service six months, and during this time they were stationed at, a place called Pratts Mills, when they were attacked by a party of Cherokees and a Tory by the name of William Cunningham, leading a body of Tories; they were attacked in the night, and were compelled to retreat, this declarant states that his Captain was grazed by a ball, was knocked down, but, soon recovered. — Declarant states that after this he was again engaged in the same service on the line, until the close of the war. This declarant then returned home. — He remained in Abbeville Cty (S.C.) for some time and then removed to Pendleton County South Carolina, — where he remained 10 yrs. When he removed to the State of Kentucky & lived there 2 yrs, from thence to the State of Indiana where he lived 8 yrs and removed back to the State of Kentucky and stayed 2 yrs. From this State he removed to Alabama & remained there 2 yrs, and from thence removed to the State of Tennessee, Henry Cty, and remained 2 years, and came into this County last March and has continued to reside there ever since. He has no documentary evidence by which he can prove his service, nor does he know of any person by whom he can prove his service. He hereby relinquishes every claim whatever to a pension and declares that his name is not on the pension roll of the agency of any State. —

Sworn to and subscribed in open Court 27 Mo. 1832 Thos. Fillock.

his
John X C Mullen
mark

We Samuel Baker & Abraham Forrest all living in the County of Gibson and State of Tennessee do hereby certify that we are well acquainted with John Miller the foregoing applicant for a pension, and that we believe him to be about sixty five years of age, and that we believe him to be a man of veracity, and that he is generally believed in the neighborhood where he now resides to have been a Soldier of the Revolution, and that we concur in that opinion.

Sworn to & Subscribed in Open Court, Test Wm. Fle Clerk.

Samuel Baker
Abraham Forrest

And the said Court, do hereby certify, that ~~it appears to them~~, after hearing the foregoing application for a pension by John Miller, and after putting the interrogatories prescribed by the War Department, it appears to them that he was a Soldier of the Revolution and served as he states, and the court further certify that it appears to them that, Samuel Baker & Abraham Forrest, who have signed the preceding certificate are all residents of the County of Gibson & State aforesaid, and are men of veracity, and as such their statements are entitled to Credit.

S. B. Dibrell
John F. Raines
William P. Feat

Jackson.

State of Tennessee } December Sessions 183
Gibson County Court }

I Thomas Fite Clerk of said Court do certify that the within contains the original proceedings of the application of John Miller for a pension.

In testimony whereof I have hereunto set my hand, and affixed the seal of said Court, at office in Trenton this 19th day of December A.D. 1832

Th. Fite clk.

John Miller
24436

21931

John Miller
W J.

from 1781 pension
7 months.
$23.33/100.

John Parker
~~applicant~~
~~John Miller~~
Trenton
Gibson Co
J.

WAR DEPARTMENT,

Pension Office,

183

Sir:

The evidence in support of your claim, under the act of June 7, 1832, has been examined, and the papers are herewith returned. The following is a statement of your case in a tabular form. On comparing these papers with the following rules, and the subjoined notes, you will readily perceive that objections exist, which must be removed, before a pension can be allowed. The notes and the regulations will shew what is necessary to be done. Those points to which your attention is more particularly directed, you will find marked in the margin with a brace, (thus: }). You will, when you return your papers to this Department, send this printed letter with them; and you will, by complying with this request, greatly facilitate the investigation of your claim.

A Statement, *shewing the Service of* John Miller. Gibson Co J.

Period when the service was rendered.	Duration of the claimant's service. Years.	Months.	Days.	Rank of the claimant.	Names and Rank of the Company officers under whom he served.	Names and Rank of the General and Field officers.	Battles in which the applicant was engaged.	Country through which he marched.	Place of abode when he entered the service, and age at the present period.	Evidence by which the declaration is supported.
'80 or '81	about	1		Pvt.	Capt Norwood			S.C.	65 or 6. Abbeville S.C.	Family.
Enlisted after		6		"	"			" & Ga.		
again —	not stated			"	"	—	—	—	—	

I am, respectfully,

Your obedient servant,

J. L. EDWARDS,

Commissioner of Pensions.

1833
1781
52

66
52
14

REGULATIONS UNDER THE ACT OF JUNE 7, 1832.

The following regulations have been adopted:

This law has been construed to extend, as well to the line, as to every branch of the Staff of the Army, and to include under the terms "Continental Line," "State troops," "militia," and "volunteers," all persons enlisted, drafted, or who volunteered and who were bound to military service, but not those who were occasionally employed with the army upon civil contracts, such as Clerks to Commissaries and to Store Keepers, &c. Teamsters, Boatmen, &c. Persons who served on board of Private Armed Vessels are also excluded from the benefits of the law, as well as persons who turned out as patrols, or were engaged in guarding particular places at night, and were not recognized as being in actual military service.

Four general classes of cases are embraced in this law:

1. The Regular Troops.
2. The State Troops, Militia, and Volunteers.
3. Persons employed in the Naval service.
4. Indian Spies.

As rolls of the regular troops in the Revolutionary War exist in this Department, all persons, claiming the benefit of this law as officers, non-commissioned officers, musicians or privates, will in the first instance, make application by transmitting the following declaration, which will be made before a Court of Record of the County where such applicant resides. And every Court having by law a seal and Clerk is considered a Court of Record.

DECLARATION,

In order to obtain the benefit of the Act of Congress of the 7th of June, 1832.

State, Territory, or District of
County of } *ss.*

On this day of personally appeared (*a*) before A. B. a resident (*b*) of in the county of and State, Territory or District of aged (*c*) years, who being first duly sworn, according to law, doth on his oath make the following declaration, in order to obtain the benefit of the provion made by the act of Congress, passed June 7th, 1832. That he enlisted in the Army of the United States in the year (*d*) , with and served in the (*e*) regiment of the line, under the following named officers:

[Here set forth the names and rank of the Field and Company Officers; the time he left the service; (and if he served under more than one term of enlistment, he must specify the particular period, and rank and names of his officers;) the town or county and State in which he resided when he entered the service; the battles, if any, in which he was engaged, and the country through which he marched. ☞This form is to be varied so as to apply to the cases of officers and persons who belonged to the militia, volunteers, navy, &c.]

He hereby relinquishes every claim (*f*) whatever to a pension or an annuity, except the present, and he declares that his name is not on the Pension Roll of any Agency in any State, or (if any) only on that of the Agency in the State of

Sworn to and subscribed the day and year aforesaid. A. B.

[And then will follow the certificate of the Court.]

And the said Court do hereby declare their opinion (*g*) that the above named applicant was a revolutionary soldier, and served as he states.

I of the Court of do hereby certify (*h*) that the foregoing contains the original proceedings of the said Court in the matter of the application of for a pension.

In testimony whereof I have hereunto set my hand and seal of office (*i*) this day of &c.

If, on examination of the proper record the names of applicants, making such declaration, cannot be found, they will produce such proof as the rule given in note (*j*) points out.

Every applicant who claims a pension by virtue of service in the State Troops, Volunteers or Militia, except those who belonged to the New Hampshire Militia and State Troops of Virginia, will make and subscribe a declaration similar to the foregoing, with the following additions, viz:

(*k*) We, A. B., a Clergyman, residing in the and C. D. residing in (the same) hereby certify, that we are well acquainted with , who has subscribed and sworn to the above declaration; that we believe him to be years of age; that he is reputed and believed, in the neighborhood where he resides, to have been a soldier of the Revolution, and that we concur in that opinion.

Sworn and subscribed the day and year aforesaid.

[And then will follow the certificate of the Court.]

And the said Court do hereby declare their opinion, after the investigation of the matter, and after putting the interrogatories prescribed by the War Department, that the above named applicant was a Revolutionary Soldier, and served as he states. And the Court further certifies, that it appears to them that A. B. who has signed the preceding certificate is a clergyman, resident in the and that C. D., who has also signed the same is a resident in the and is a credible person, and that their statement is entitled to credit.

I, Clerk of the Court of do hereby certify that the foregoing contains the original proceedings of the said Court, in the matter of the applicacation of for a pension.

In testimony whereof, I have hereunto set my hand and seal of office, this day of &c.

Every applicant will produce the best proof in his power. This is the original discharge or commission; but if neither of these can be obtained, the party will so state under oath, and will then procure, if possible, the testimony of at least one credible witness, stating in detail his personal knowledge of the services of the applicant, and such circumstances connected therewith, as may have a tendency to throw light upon the transaction.

If such surviving witness cannot be found, the applicant will so state in his declaration (*l*) and he will also, whether he produce such evidence or not, proceed to relate all the material facts, which can be useful in the investigation of his claim, and in the comparison of his narrative with the events of the period of his alleged service, as they are known at the Department. A very full account of the services of each person

will be indispensable to a favorable action upon his case. The facts stated will afford one of the principal means of corroborating the declaration of the applicant, if true, or of detecting the imposition, if one be attempted; and unless, therefore, these are amply and clearly set forth, no favorable decision can be expected. All applicants will appear before some Court of Record in the County, in which they reside, and there subscribe and be sworn to, one of the declarations above provided, according to the nature of his case.

The Court will propound the following (*m*) interrogatories to all applicants for a pension, on account of service in the Militia, State troops, or Volunteers, except the Militia of New Hampshire and the State troops of Virginia.

1. Where and in what year were you born?
2. Have you any record of your age, and if so, where is it?
3. Where were you living when called into service; where have you lived since the Revolutionary war, and where do you now live?
4. How were you called into service; were you drafted, did you volunteer, or were you a substitute? And if a substitute, for whom?
5. State the names of some of the Regular Officers, who were with the troops, where you served; such Continental and Militia Regiments as you can recollect, and the general circumstances of your services.
6. { *To a Soldier.* Did you ever receive a discharge from the service, and if so, by whom was it given and what has become of it?
   { *To an Officer.* Did you ever receive a commission, and if so, by whom was it signed, and what has become of it?
7. State the names of persons to whom you are known in your present neighborhood, and who can testify as to your character for veracity, and their belief of your services as a soldier of the Revolution.

The Court will see that he answers to these questions are embodied in the declaration, and they are requested to annex their opinions of the truth of the statement of the applicant.

The applicant will further produce in Court, if the same can be done, in the opinion of the Court, without too much expense and inconvenience to him, two respectable persons --one of whom should be the nearest clergyman, if one lives in the immediate vicinity of such applicant, who can testify, from their acquaintance with him, that they believe he is of the age he represents, and that he is reputed and believed in the neighborhood to have been a Revolutionary soldier, and that they concur in that opinion. If one of these persons is a Clergyman, the Court will so certify, and they will also certify, to the character and standing of other persons, giving such certificates.

The traditionary evidence of service is deemed very important, in the absence of any direct proof, except the declaration of the party. And the Courts are requested to be very particular in the enquiry whether the belief is general, and whether any doubts have ever existed upon the subject.

Applicants unable to appear in Court by reason of bodily infirmity, may make the declaration before required, and submit to the examination, before a Judge or Justice of a Court of Record of the proper county, and the Judge or Justice will execute the duties, which the Court is herein requested to perform, and will also certify that the applicant cannot, from bodily infirmity, attend the Court.

Whenever any official act is required to be done by a Judge or Justice of a Court of Record, or by a Justice of the peace, the certificate of the Secretary of State or Territory, or of the proper Clerk of the Court or County, under his seal of office, will be annexed, stating that such person is a Judge or Justice of a Court of Record, or a Justice of the Peace, and that the signature annexed is his genuine signature.

No payments can be made on account of the services of any person, who may have died before the taking effect of the act of June 7, 1832; and in case of death subsequent thereto, and before the declaration herein required is made, the parties interested will transmit such evidence as they can procure, taken and authenticated before a Court of Record, showing the services of the deceased, the period of his death, the opinion of the neighborhood respecting such services, the title of the claimant, and the opinion of the Court upon the whole matter.

[*a*] The declarant must appear in open Court, unless prevented from doing so by reason of bodily infirmity; in which case the declarant will follow the rule laid down for his guidance.

[*b*] The declarant must make his declaration in the county where he resides. If he should fail to do so, he must assign a sufficient reason for not conforming to the rule.

[*c*] The age of the claimant must invariably be mentioned.

[*d*] The declarant must mention the period or periods of the war when he served.

[*e*] Every continental officer or soldier must give the name of the Colonel under whom he served; otherwise a satisfactory examination of the claim cannot be had. Every claimant must state, with precision, the length of his service, and the different grades in which he served, in language so definite as to enable the Department to determine to what amount of pension he is entitled. In a case where the applicant cannot, by reason of the loss of memory, state precisely how long he served, he should amend his declaration by making an affidavit in the following words:

"Personally appeared before me, the undersigned, a Justice of the Peace, &c. A. B. who, being duly sworn, deposeth and saith, that, by reason of old age, and the consequent loss of memory, he cannot swear positively as to the precise length of his service; but, according to the best of his recollection, he served not less than the periods mentioned below, and in the following grades:—For —— year ——— months, and ——— days, I served as a ——— For ——— months and ——— days, I served as a ———; and for such service I claim a pension."

It is important, in all cases, to determine with precision the period for which each applicant served, and the particular rank he held, as the law directs the pension to be paid according to the grade of the pensioner and the length of his service. The use of the phrase *about three or four months*, is too indefinite, and all such qualifying expressions are objectionable. Some persons who apply for pensions merely state that they served two years in the militia, &c. without specifying the tours, the names of the officers, and other particulars respecting their service. This form of a declaration is highly objectionable. It must, in every case, be clearly shown under what officers the applicant served; the duration of each term of engagement; the particular place or places where the service was performed; that the applicant served with an embodied corps called into service by competent authority; that he was either in the field or in garrison; and for the time during which the service was performed, he was not employed in any civil pursuit.

[*f*] The law makes the relinquishment indispensable.

[*g*] The opinion of the Court is always required.

[*h*] The Clerk must give his certificate in every case.

[*i*] The Clerk must affix his seal, and if it has no device or inscription by which it can be distinguished from any other seal, or if he has no public seal of office, the certificate of a Member of Congress, proving the official character and signature of the certifying officer, should accompany the papers.

Mode of authenticating papers.

In every instance where the certificate of the certifying officer who authenticates the papers is not written on the same sheet of paper which contains the affidavit, or other papers authenticated, the certificate must be attached thereto by a piece of tape or narrow ribbon, the ends of which must pass under the seal of office of the certifying officer, so as to prevent any paper from being improperly attached to the certificate.

Proof of Service.

[*j*] In a case where the name of the applicant is not found on the records of the Department, he must prove his service by two credible witnessses, who are required to set forth in their affidavits the time of the claimant's entering the service, and the time and manner of his leaving the same, as well as the regiment, company, and line to which he belonged. The magistrate who may administer the oaths must certify to the credibility of the witnesses, and the official character and signature of the magistrate must be certified by the proper officer, under his seal of office.

☞ The notes from [*a*] to [*i*] are all equally applicable to the cases of Militia men, Volunteers and State Troops. The proof required by rule in note [*j*] applies to continental troops only.

[*k*] This traditionary evidence is indispensable in militia cases.

[*l*] If a witness cannot be found, the declarant must state the fact.

[*m*] The answers to the interrogatories must all be written, and sent to the War Department, with the declaration.

New Year.

1702.

INVALID.

File No. 17020

John Miller.

Phis. N. C. Mil

Act: June 7 1832.

Index:—Vol. a, Page 256

[Arrangement of 1870.]

S. C. Line. Records corrected ocr 31 03

FREE

TRENTON N.J.
SEP 20
oct 8

Tum. U.P.

Mail

J. L. Edwards Esqr
Commissioner of Pensions
Washington City

Trenton Sept 24th 1833.

Dear Sir

Inclosed I return you the papers relating to the pension of John Miller. The papers was not originally made out by me. But they have come into my hands and you will please direct your communications to me at Trenton. Should they be deficient please inform me as early as possible. yours. Respectfully

John Parker

State of Tennessee } September Term 1833
Gibson County } Sept. 21st. 1833.

This day in open Court came George Miller Cousen of John Miller this said Applicant and saith that this said John Miller was born in Abbeville Destrict South Carolina In the Year of our Lord 1766 or 7 of Religious parents and carefully brought up by them untill the first day of July 1776 that the Cherokee Indians broke out along our frontier and killed all that they could amongst those that ware killed was Capt. Smith and his family and destroyed all that he had. then the Capts Commission fell to My Uncle Andrew Miller this Johns Father And he had to camp and be but little more at home but be in constant service untill the 17th day of January 1781 at Tarltons defeat there amongst the few that fell he was one then the Capt. Commission fell to John Norwood. this John Miller being a boy well grown and active he could not get leave to stay at home in safety but had often to be in camp for many boy could not leave to stay at home if the ventured to stay if they ware caught they ware either killed or chopped with sword. I had a Sword drawn over my own head before I was Nine years old but he stayed about home untill about the first of July 1781 there was a heavy draught made for men to go to Genneral Green before the Battle at the Ettaw then our frontier was to guard and this Capt John Norwood was ordered to stay along the line with his Company gather all the men and boys that was able to bear arms that could carry a gun amongst the rest I remember well seeing this said John Miller pass and repass over house was a frontier Road and the often passed us they road the line from Saluda River on the East to Sevavanah River on the west the breadth of Abbeville Dist a distance of about 40 Miles and sometimes over boath Rivers I Remember to hear of them being over boath. but the first thing that happened to them was that memorable night at Boath mill that he mentions in his writing that report says 500 Indians and Tories headed by W. Cunningham Broke them up and they lost all their Horses Saddles & bridles

They Burned the Mill and went about one Mile and burned a house but the People ware out of it, then the Next they came to was our Old uncle John Johstons there they caught Seven Girls four of them young women and three that ware not grown the tories would not let the Indians kill them but they stripe them all naked as they ware born and turned them loose amongst the five of them came to my fathers naked and two of them was driven out the other course, the Indians set fire to the house and burned it My uncle in it they burnt every house & barn on the place and destroyed all his living. then we ware moved about one mile off My fathers house was taken for a station then this John Miller was at the station with the rest of the company I was thare almost every day he being raised on the frontier and used to the woods and a James Lindsey was taken for Spies and road Spies (I think in January the Tories attacted the station one Night but could not take it) In the spring this John Miller at the request of his Mother Moved her off about eight And quit the Station and raised her a little Corn and he continued to live with his Mother untill he got Married in the year 1788 then he lived in Abbeville and Bendleton untill his wife died then he was left with three Children, in the year 1795 he married the Second Wife and in the year 1807 he moved to the Western Country and I never seen him again untill about the year 1815 that I was living in Madison Alabama he came to me again but we lived about 60 Miles appart Somtime after that he Moved to the south side of Tenne River where his Second wife died and two of his Children then he broke up house and brought me three of his Children and the staed two years with me untill one of them got Marr then they went to Laurence County Alabama and he lived with them untill he moved down to Henry County in Tennessee And now he lives with his Son Isaac in Gibson County

And to prove his Services by any one that was with him in the Service he cannot as there is none that I know of alive only James Lindsey that used to ride spy with him and lives in Georgia and) draws his pension thare if he was here he could prove this statement in this paper correct — two of his (that is Lindsey's) Sisters was Striped naked that night by the Indians at Old Uncle John Johnstons

This George Miller was born In Abbeville District two miles from where this John Miller was born on the Eleventh day of October 1772 against the Eleventh day of Oct. I will be 61 years of age And this John Miller being the Born on the 21st day of January 1766 or 7 I cannot make out which year makes him five or Six years older than myself I do not pretend to tell the day that he entered into the Service neither the time he came out of the service but this I know and can well remember to see him in the Station as a Soldier and the Almanac tells one that the Ottawa Battle was on the 9th of September and he was in service before that and he remaind in Service untill Spring of 1782 Our General was Andrew Pickens, Colonel Robert Anderson Mayor Alexander Noble, Capt. John Norwood, Lieutenant Hugh Reid and Thomas Coil Ensign All these Officers I was personally acquainted with both time of the Revolutionary war and since untill I left that Country in the year 1806 Capt. Norwood had died before I left there he had risen to the Office of Brigadier Gen. before he died when I left that country I was Thirty four years of age then I left the settlement where all these Officers lived in the Old war and where this Service was performed & he hereby says the clergyman certificate which he intended to have to John Miller declaration is about cannot be now had, which was J. A. Miller, son of George Miller the only one he acquainted with the declarant. Sworn to & Subscribed in open Court.

George Miller

State of Sumpter
Gibson County } Sept Session 1833 of County Court

And the court do hereby certify that George Miller who made the foregoing certificate for the benefit of John Miller is a citizen of Gibson County and State of Sumpter is a man of Veracity and that his Statements and certificate is entitled to credit and that John Miller is not present to have the indulgences prepared to him but that are here principally annually George Miller and the Court further certify that they believe John Miller was a Revolutionary Soldier.

William Pittard
Clerk
A. Davidson

Sept 21st 1833.

State of Tennessee } County Court Sept. Term 1833.
Gibson County }

I Thomas Hill Clerk of the Court of pleas and quarter Sessions of said County do hereby Certify that the foregoing contains the proceedings had in said Court in the matter of the amendment of the declaration of John Millen for a pension under the Act of Congress of 7th June 1832.

In Testimony Whereof I have hereunto set my hand and affixed the Seal of office at Trenton Sept 21st 1833.

Tho Hill C.C.K