



of his recollection about the 15<sup>th</sup> day of June AD 1775. and served in the 4<sup>th</sup> Regiment of the South Carolina line State Troops as Regular Drum Major under Gen'l Marion [see endnote], with the following named officers to wit, Col John Brown in the Company of Capt John White. (The Declarant here being very deaf and an Illiterant man, is unable to distinguish the Rank of a Coln. from that of Lieutenant Coln. or Major) (But says) that he was with Major John Pearcey and Lieutenant John Jeffry Also mentions the names of Major Wm Sabb, and Colo. Wm. Capers [William Capers] as Two of his Officers. When he entered the service he resided in Christ Church Parish Oposite Bull's Island in the State of South Carolina and served until the 1<sup>st</sup> day of October AD 1782, a Period of seven years 5 months and about 15 days;

Declarant further states that he was mustered into service by Competent Authority and served with an Embodied Corps, and was engaged with the Enemy in the following places, at Savanah Ga, St. Helena, Port Royal, Camden, Biggins Church, was garrisoned at Charleston some time, (does not know how long) and performed military duty nearly all the time that he was in the Battle of Eutaw Springs, at last said mentioned Battle he received four Wounds, Two cuts upon the face, one on the head with a sword & one with a Ball which passed through his left side, killing the Drummer immediately behind him, whose name was Paul, Ram Lee; after the Battle of the Eutaw Springs, Declarant marched to State of Virginia, and was present at the Surrender of Lord Corn Wallace & was one of the principle Drummers when the Captive Army surrendered and that Gen'l. OHarry, or OHara [sic: Charles O'Hara] Represented the British Commander Cornwallace on that occasion. After said surrender, he took shipping for Philadelphia, does not recollect how long he remained there. But from thence he sailed to Charleston, South Carolina and in six months thereafter was discharged. These were the only Engagements and places he was in, and the only Country through which he marched. During his service in the Army, Drum Major was the only Rank he held, and that he held all the time.

Was never employed in any Civil pursuits during service and when discharged he received no documentary evidence by which he can prove his Service. The Reason Why he has never applied for a Pension was that he did not know a free man of Color was Entitled to receive one, And he hereby relinquishes every claim whatever to a pension or annuity except present, and affiant declares his name is not on the pension roll of any agency of any State as he knows of of.

James hisXmark Capers

The State of Alabama } Personally appeared in open Court Jim Capers who being duly  
 Pike County } sworn deposeth and saith that by reason of old age, Deafness & the  
 consequent loss of memory he can not swear positively to the precise length of his service, but according  
 to the best of his Recollection he served not less than the period above mentioned, and in the following  
 grades for seven years five months and fifteen days I served as a Drum major and for such service I claim  
 a pension  
 Jim hisXmark Capers

The State of Alabama } County Court Oct the 15<sup>th</sup> AD 1849  
 Pike County }

Interogatories propounded to Jim Capers in open Court Applicant for a Pension, under Act of Congress Passed June the 7<sup>th</sup> 1832.

Intgy 1<sup>st</sup> Where and in what year were you born

Ans'r. To the 1<sup>st</sup> Interogatory declarant saith I was born in Christ Church Parish in the State of South Carolina, on the 23<sup>d</sup> day of September AD 1742

Intgy 2<sup>nd</sup> Have you any Record of your age & if so where is it.

To the 2<sup>nd</sup> Interogatory he answereth I have no Record of my age & only know my age from what my old master Capers told me, to wit that I was born on the 23<sup>d</sup> day of September AD 1742 as above stated

Intgy 3<sup>d</sup> Where were you living when called into service, where have you lived since the Revolutionary War, and where do you now live.

To the 3<sup>d</sup> Interogatory he saith that I was living in Christ Church Parish South Carolina when called into service, I lived in the same place Three years afterwards and then moved to the State of Alabama Pike County where I now live and have lived ever since.

Intgory 4<sup>th</sup> How were you called into Service. Were you Drafted, Did you Volunteer, or were you a substitute, & if a substitute for whom

To the 4<sup>th</sup> Interogatory he answereth I entered the service as a volunteer, Under Gen'l. Marion in the Fourth Regiment State Troops in the Company of Capt. John White under Coln. John Brown.

Intgry 5<sup>th</sup> State the names of some of the Regular officers who were with the Troops where you served, such Continental and Malitia Regiments as you can Recollect and the General Circumstances of your service.

To the 5<sup>th</sup> Interogatory He mentions the name of Coln. Horry, and Sargeant McDonald Gen'l. [Charles] Lee, Wm. Capers, as being Regular Officers in the army, besides the names of those mentioned in his Declaration, and the Circumstances of his service was that of Drum Major all the time.

Intgry 6<sup>th</sup> Did you ever Receive a Discharge from the service and if so by whom was it given and what has become of it

To the 6<sup>th</sup> Interogatory, He answereth that he does not Recollect of ever Receiving a Discharge and if so he has lost it

Interogatory 7<sup>th</sup> State the names of the persons to whom you are known in your present neighborhood and who can Testify to your character as to Veracity and their belief of your services as a soldier of the Revolution.

To the 7<sup>th</sup> Interogatory he answereth that, he lives with Norman McLeod within Three miles of John C McWhorter near Malcom Blue's & Mr. Graham all of whom can testify to his character for Veracity and their belief of his services as a soldier in the Revolution

The State of Alabama }  
Pike County } [15 Oct 1849]

Personally appeared in open Court before the Hon Bird Fitzpatrick Judge of the County Court in and for the County and state aforesaid, Robert Bean who first being duly sworn according to law upon his oath maketh the following statements in relation to the services of Jim Capers as a revolutionary soldier, affiant first states "I am now about ninety seven years old, and I belonged to the company of Captain James Moore (who was killed by the tories three miles in the old ninety six road above Charleston in the revolutionary war of the United States of America with Great Britain) under General Green [sic: Nathanael Greene]; and my recollection and personal knowledge of the service of Jim, as a Soldier in the revolution (as far as I do know) is perfectly good.

2<sup>d</sup> while in the army, I became well acquainted with Jim Capers now before me, and had a personal knowledge of his services, for more than one year, I knew him to be Drum Major under General Marion, for I often saw him in camps, conversed with him, and have seen him perform on the parade ground, he belonged to Captain James White's Company, I knew Captain White well; while encamped at Jackson Borough [sic: Jacksonboro] near Charleston I heard that that the "great Drummer Jim Capers" under Marion was wounded at the battle of the Eutaw Springs, South Carolina, after which, said battle Jim and myself were separated and I was in no other battle, nor did I ever see or hear more of Jim until after the war. I knew several of Jim's Officers, Col John Brown, Col Jeffrey, Major John Percey and Captain John White. Him the man now before me is the very same identical Jim I knew while he was in the service of the United States under Gen Marion.

3<sup>d</sup> I do not know when he entered the service; 4<sup>th</sup> nor do I know the time he left the same; The deponent says this is all he remembers of Jim's service as a soldier at this time

(Signed) Robert hisXmark Bean

The State of Alabama }  
Pike County } [23 Oct 1849]

Personally appeared before me Malcom Blue, an acting Justice of the Peace in and for the County & State aforesaid William Wicker [S11853], who being duly sworn, on his oath, makes the following statement, that he (affiant) is well acquainted with Jim Capers (man of color) that Jim was in the Revolutionary war of the U.S. of A. with Great Britain, and that he was a Drummer for General Marion as long as he knew him, how long they were together this affiant does not now recollect, Jim and himself were together at the battle of the Eutaw Springs, after said battle, affiant was sent home with a wounded friend, and not return to the Army again until after said war, Affiant further states that he knew Capt John White, and Col John Brown, two of Jim's Officers, and to his personal knowledge Jim was in the service of the United States when he (affiant) entered the service, and when he left the same, Affiant further states that he now draws a pension for his services in said war under Gen Marion.

(Signed) William Wicker

Troy, Pike Co. Ala./ June 3<sup>rd</sup> AD 1850

Committee on Pensions [of Congress]/ Gentl.:

I beg leave to call your attention to this case, as the claimant is is very embarrassing circumstances. The only questions involved in the case, are first that he cannot prove the precise day he was mustured in or out of service. Mr. Edwards [James L. Edwards, Commissioner of Pensions] seems to think from some of the testimony that he was a slave. I cannot prove the precise time he was mustured in or out of service, but if you think from the testimony that he was a slave I can prove his freedom now, his freedom when he entered the service and when he left the same very conclusively. Your earliest attention will oblige.

Yours &c,/ B. Fitzpatrick

#### NOTES:

The Fourth South Carolina was an artillery regiment, but Francis Marion was commander of a partisan brigade. Capers may have enlisted in the 4<sup>th</sup> SC Reg., then joined Marion's Partisan Brigade. The following timeline lists the events relating to Capers's deposition:

- Dec 1775 4<sup>th</sup> SC Artillery Reg. organized at Charleston
- 29 Dec 1778 Battle of Savannah; 4<sup>th</sup> SC Reg. present
- 3 Feb 1779 Battle of Port Royal Island SC; 4<sup>th</sup> SC Reg. present with Lt. John Brown
- 9 Oct 1779 Battle of Savannah during siege of 24 Sep - 19 Oct; 4<sup>th</sup> SC Reg. present
- 12 May 1780 Surrender of Charleston SC; 4<sup>th</sup> SC Reg. captured and dissolved
- 16 Aug 1780 Battle of Camden SC; Col. Francis Marion's band of 20 partisans not present
- Jan 1781 Marion named General of SC Partisan Brigade
- Mar 1781 Marion's Brigade numbers 500, including Lt. Cols. Peter Horry and Hugh Horry, and Capt. William Capers
- 25 Apr 1781 Battle of Hobkirk Hill near Camden SC; Marion's Brigade not present
- 16 Jul 1781 Skirmish at Biggins Church SC; Marion's Brigade possibly engaged with 180 troops including the above officers as well as Capt. John Brown
- 8 Sep 1781 Battle of Eutaw Springs SC; Marion with 360 partisans present
- 19 Oct 1781 Gen. Charles O'Hara surrenders for Cornwallis at Yorktown VA; Marion's Brigade not present

On 9 June 1853 Milley Capers stated that her late husband lived in Pike County 13 years before his death, and before then he lived in Sumter District SC. On 22 Sep 1858 Milley Capers, 46, applied for a pension stating that she married Jim Capers in Sumter District SC about 1826, that he was granted a pension by a special act of Congress on 3 Feb 1852, and that he died in the spring of 1852. She also stated the names and ages of their children as follows: Harriet about 30 living in Tennessee; Eliza about 28 living in South Carolina; Jim 26 living in Pike County; Jenny 24 living in Montgomery County AL;

Harriet 18 also living in Montgomery County; and Charles living in South Carolina. The file includes a receipt for \$256 for pension due Milley Capers widow of Jim Capers, from 7 Aug 1850 till his death on 1 Apr 1853.

The file contains the following letters:

Pension Office/ Oct. 27 1858

Sir [J. T. Stevens, present]. The claim of Mrs. Milley Capers as the widow of Jim for a pension under the 2<sup>d</sup> Section of the Act of February 3<sup>d</sup> 1853 will be favorably considered when proof is filed that she is a free woman.

It is advisable, that a certificate of Court in relation to her freedom be filed, as the proof upon this point must be direct & positive.

Washington D.C./ 20<sup>th</sup> Nov 1858

Sir [George C. Whiting/ Commissioner of Pensions, present]/ I have the honor to acknowledge the receipt of your letter of the 27<sup>th</sup> October last relating to the Revolutionary Pension claim of Milly Capers Widow of Jim Capers under act of 3<sup>d</sup> Feby 1853 Sec 2.

From information I have received, I have reason to suppose, the claimant is a slave, & according to the Laws of Alabama, where she resides, a Negro cannot be made free & reside in the State.

Admitting claimant to be a slave, is she thereby debarred from receiving her Pension granted by Act of Congress?

Very Respectfully Yours/ J. T. Stevens

Pension Office, Nov. 27, 1858.

Sir [Stevens],/ In reply to your letter of the 20<sup>th</sup> instant, I have to state that inasmuch as Milly Capers is admitted to be a slave, she could not be entitled to pension under any of the laws of Congress granting pensions to the widows of revolutionary soldiers. The soldier who is claimed to have been her husband, and to have served in the revolutionary war, was pensioned under a special act of Congress. No legal rights were acquired by this claimant in virtue of the relations which subsisted between her and said pensioner. Moreover, the pension laws contemplate that the gratuities provided by them shall enure to the exclusive benefit of the persons designated as the beneficiaries. If this claimant should be placed upon the pension roll, the bounty of the government must necessarily enure to the benefit of her Master alone. The Claim is, therefore, rejected.

Washington D.C. 20<sup>th</sup> April 1859

Sir [Whiting] In reply to your letter of the 27<sup>th</sup> Nov. 1858 relating to the Rev. Pension claim of Milley Capers Widow of Jim (Ala) Ach 3<sup>d</sup> Feby 1853. 2<sup>d</sup> Section. I have to state

The Master & owner of Milley, the claimant, now offers to give her freedom.

I write to enquire if in case the claimant is a free woman, her Pension would be granted.

Very Respectfully Yours/ J. T. Stevens

Pension Office, April 22, 1859.

Sir, [Stevens]/ In reply to your letter of the 20<sup>th</sup> instant in relation to the claim of Milly Capers (a Slave woman) for pension under act of February 3, 1853, I have to state that the offer of her master to manumit her does not remedy the objections to its allowance. It does not appear that the laws of Alabama would permit her manumission – and if this were shown, still the objection as to the legality of her marriage would remain. Very resp'y