

Southern Campaign American Revolution Pension Statements & Rosters

Pension application of Thomas Rutherford R9114
Transcribed by Will Graves

Sarah
fn50NC
1/25/10

[Methodology: Spelling, punctuation and/or grammar have been corrected in some instances for ease of reading and to facilitate searches of the database. Also, the handwriting of the original scribes often lends itself to varying interpretations. Users of this database are urged to view the original and to make their own decision as to how to decipher what the original scribe actually wrote. Blanks appearing in the transcripts reflect blanks in the original. Folks are free to make non-commercial use this transcript in any manner they may see fit, but please extend the courtesy of acknowledging the transcriber—besides, if it turns out the transcript contains mistakes, the resulting embarrassment will fall on the transcriber.]

State of Tennessee [illegible]

This day personally appeared before me Alfred M. Harris, one of the Circuit Judges of the State of Tennessee, the undersigned Thomas Rutherford, who being duly sworn deposed and saith, that he is a citizen of the United States of America and resident in the County of Giles & State of Tennessee. That he did some time in the year 1781 near Hillsboro, in the State of North Carolina a, a private soldier for the term of 18 months in a company commanded by a Captain Rodes [sic, Joseph Rhodes] in a Regiment commanded by Colonel Archibald Lytle of North Carolina State troops on the Continental establishment and that he did serve from the time of his said enlistment in the revolutionary war, against the common enemy (Great Britain) from the time of his enlistment as aforesaid until the end of the War; when he was honorably discharged by said Colonel Archibald Lytle -- which said discharge, this deponent has lost by time or accident so that the same cannot now be produced. This deponent knows of no person living convenient to him, by whom he can prove his said service; but as a further evidence of his service days leave to refer to a warrant issued to him by the State of North Carolina in consequence of his said service, a copy of which is hereto annexed marked A. This deponent is now in the 63rd year of his age and is lame in the hip, so that he cannot travel or labor, without much difficulty. He is very poor, and stands in need of assistance from his country for a support. He hereby relinquishes his claim to every pension granted him by the laws of the United States previous to the passage of an act of the Congress thereof, entitled an act to provide for certain persons engaged in the land and naval service of the United States, during the Revolutionary War passed both houses of Congress on the 9th March 1818 and signed by the President on the 21st of the same month. He prays to be placed on the Pension list agreeable to the provisions of said act -- 12th of August 1818

S/ Thomas Rutherford

Subscribed and sworn to before me this 12th of August 1818

S/ Alfred M. Harris, Judge of the 6th Judicial Circuit of the State of Tennessee

A: duplicate No. 3625

State of North Carolina -- the Honorable James Glasgow Esquire, Secretary of State, to Colonel Martin Armstrong greeting

You are hereby required to lay off and survey for Thomas Rutherford, a private in the line of this State, six hundred and forty acres of land, within the limits of the lands reserved by law for the officers & soldiers of the Continental line of this State; observing the directions of the act of Assembly in such case made and provided -- two just and fair plans, with a certificate to each annexed you are to transmit to my office within the time limited by law.

Given under my hand at Fairfield, this ___ day of December 1785."
S/ J. Glasgow"

[fn p. 36]

State of North Carolina, Secretary's Office 13th May 1819

I William Hill Secretary of State in and for the State aforesaid, do hereby certify that it appears from the musterroll of the North Carolina Continental line in the Revolutionary War, that Thomas Rutherford a private in Brevard's Company of the 10th Regiment was mustered in the year 1782 for the term of 18 months and was discharged in March 1783.

Given under my hand the date above.

S/ Wm Hill

State of Tennessee Giles Circuit Court: February Term 1821

On this day, being the 7th of February, 1821, personally appeared in Open Court, being a Court of record, Thomas Rutherford of the County of Giles and State of Tennessee, age sixty-six years, who being first duly sworn according to law, doth on his oath make the following declaration in order to obtain the provision made by the acts of Congress of the 18th March 1818 and the 1st May 1820 the is: That he did received a pension certificate under the first mentioned Act, dated the 17th day of September 1819, upon which he has received his pension money to that he 4th March 1820 & none since. -- and that he the said Thomas Rutherford enlisted for the term of eighteen months in the fall of the year immediately preceding the year in which peace was concluded between the United States & Great Britain in the State of North Carolina, in the company commanded by Captain Rodes [sic, Rhodes], and the Regiment commanded by Colonel Archibald Lytle, in the line of the State of North Carolina on the Continental establishment; that he continued to serve in said Corps until the end of the War, when he was discharged from the said Service on James Island in South Carolina, -- That he was in no battles as a regular Soldier -- and that he hath no other evidence now in his power of his said Service, except his own oath. That he is by occupation a tiller of the earth & very infirm, & unable to support himself by his own labor. That he has a wife and 4 children living with him viz., one son 20 years old, one other 14 years old -- one other 8 years old & one daughter 11 years old.

S/ Thomas Rutherford

And in pursuance of the act of the first of May 1820, I do solemnly swear that I was a resident Citizen of the United States on the 18th day of March 1818 and that I have not since that time by gift, sale or in any manner whatever disposed of my property or any part thereof with intent thereby so to diminish it as to bring myself within the provision of an act of Congress entitled "an act to provide for certain persons engaged in the land and naval service of the United States in the revolutionary war" passed on the 18th day of March 1818, and that I have not nor has any person in trust for me any property, or securities, contracts or debts due to me nor have I any income other than what is contained in the schedule hereto annexed

S/ Thomas Rutherford

Schedule of the property &c of Thomas Rutherford this

2 horses old & indifferent	10.00
2 cows and calves & 2 yearlings	25.00
3 head of hogs	6.00
2 beds & furniture (old & indifferent)	20.00
2 knives, & 6 forks	.50

one earthen Dish & 5 plates	1.00
one Pot -- (a hole in it)	1.00
one set tea cups & saucers	50
balance of note you about	<u>20.00</u>
	84.00
Debts owing by said Rutherford	
amount to	250.00
1 note due 25th of December 1821 for	156.75
1 note due 25th December 1822 for	156.75

S/ Thomas Rutherford

Sworn to and declared in open Court on this 8th of February 1821

S/ Henry Hagen, Clerk

[fn p. 22: in an affidavit dated August 29, 1829 filed in Giles County Tennessee, John McCulloch¹, John McCanless² and William McCanless stated "... that day & each of them have been personally acquainted with Thomas Rutherford of said County who as they are informed is now on the pension list and annually receiving from the Treasury a pension for his services as a soldier of the Revolution & that they have been personally acquainted with said Rutherford from his infancy & of their knowledge do depose & say that the said Thomas Rutherford never has served a tour in the Army of the revolution & that he was incapable of service in consequence of lameness from a white swelling when an infancy."]

[fn p. 28: on December 14, 1829 in "District of West Tennessee", Daniel McMahon³ and Thomas Ragan⁴ (both residents of Williamson County Tennessee) made oath "that they are well acquainted with Thomas Rutherford of Giles County of this State and that they have been acquainted with him during and since the revolutionary war, that he was an invalid from childhood, and that he did not serve as a soldier in the revolutionary war, that he did enter the service for 2 years and a half, and his father went after him and brought him back on the Thursday after he entered the service. They also say that said Rutherford has told them that he regularly draws his pension semiannually."]

[fn p. 42]

Rutherford County December 29, 1829

Dear Served

I received yours of the 19th November & now will answer your question as well as I can, I knew one Thomas Rutherford in North Carolina Orange County when I was young he lived in the bounds of the Company that I am mustered in & which company I commanded in the latter part of the Revolutionary war. This Rutherford was an invalid & was a weaver by trade & never was compelled to muster & never was in the Army to my recollection, I believe he became an invalid when young by white swelling.

Thos. Crutcher

S/ yours Respectfully

¹ [John McCulloch R6671](#)

² [John McCanlass S1695](#)

³ [Daniel McMahon S4199](#)

⁴ Probably the same man as [Thomas Ragains \(Ragain\) W4502](#)

S/ David Williams

[fn p. 50 typed copy of a letter from James Edwards of the Pension office to the Hon. J. K. Polk
[James K. Polk, then a Congressman, later President of the United States]
"Honorable JK Polk, H. R.

War department
Pension Office
May 13, 1830

Sir:

In reply to your letter in closing one to John H. Rivers, Esquire, of Pulaski, Tennessee I have to inform you that the Secretary of War directed the name of Thomas Rutherford to be dropt from the Pension Roll on the affidavits of several respectable citizens of Giles and Williamson Counties, Tennessee who state that they knew him during the revolution: that he was from his youth unfit for military duty in consequence of a white swelling; that he was drafted for the Continental service, but never served more than a few days, not being capable of performing the duties of a soldier. I am not at liberty to give the names of the persons who have lodged this information. I cannot say what additional requisites would be necessary to place him on the roll again. No proof that could be obtained would, I think, be sufficient to justify the Department in restoring him to be Pension Roll, because the evidence against him is deemed conclusive.

S/ J. L. E."

[fn p. 19]

At a term of a Court of Pleas and Quarter Sessions held in and for the County of Giles in the State of Tennessee August Term 1831, Thomas Rutherford filed his declaration of which this is the following. To the Honorable the Secretary of War, The petition of Thomas Rutherford humbly represents. That he served a tour in the revolutionary war in the Continental line as appears from the Certificate of William Hill Secretary of State of North Carolina as appears of record in your Office that he was enrolled on the list of pensioners & in consequence of some evil disposed persons and those who did not know him sent on a petition or some other writing to have him dropt from the pension list. Your petitioner states that he was as active and vigilant on duty when in the service as any other man and that he was not discharged in consequence of the white swelling which did not invalidate or prevent him from doing military duty at that time but was as efficient as any who was with him in the same Company as regarded health and prays that he may be restored to the list of pensioners that he is very old and infirm and unable to work and without his pension he is destitute of any provision he has annexed to the foregoing petition the names of respectable man to vouch for his veracity he prays that his case may be considered of and that he may obtain the relief asked for in the foregoing petition.

S/ Thomas Rutherford

Sworn to in Open Court this 22nd day of August 1831

S/ German Lester, Clerk

[Richard Briggs, Edward D. Jones and Sterling Graves gave statement that they would place full faith and credit in the statements of Thomas Rutherford.]

[fn. p. 12: on August 4, 1851 in Giles County Tennessee, Sarah Clark, 40, filed a claim stating she is an heir of Sarah Rutherford deceased; that she is the lawful child of Thomas Rutherford, deceased, a pensioner of the United States at the rate of \$96 per annum under the act of 1818; that he died September 1831 in Giles County Tennessee leaving a widow surviving him several

years who was the mother of this claimant; that her mother's maiden name was Sarah Anderson; that her mother died in Giles County August 27 1841; that her parents Thomas and Sarah were lawfully married in Orangeburg County South Carolina in 1790; that their first child was born within 18 months after their marriage and was named John; that their 2nd child was named Agnes and was born September 22, 1793; that the attached family record is in the hand writing of her father Thomas Rutherford and sets forth in the correct record of the births of the children of her parents; that her mother died leaving 5 children only surviving them namely Thomas, Christian, James, David Rutherford & Sarah Clark.]

[fn p. 10: family record: very compromised and difficult to read]

Agnes Rutherford was born September 22nd 1793

Thomas Rutherford was born April 26 1796

Griffin Rutherford was born may 17th [could be 27th] 1801

James Rutherford was born January 18 1805

[illegible] Rutherford was born⁵

[illegible entry]

[second page totally illegible]⁶

⁵ the war department interpreted this line to read "Sarah Rutherford born February 11, 1809"

⁶ the war department interpreted this line to read "David Rutherford born September 6, 1812"