

Southern Campaign American Revolution Pension Statements & Rosters

Pension Application of Abraham McColloch S15534

Transcribed and annotated by C. Leon Harris

[No original pension application was found in McColloch's folder, it probably having been removed by District Attorney W. G. Singleton. Singleton investigated numerous pension applications from Harrison, Lewis, and other counties in present West Virginia, as detailed in pension application S6111 of David W. Sleeth. On 23 July 1835 Singleton began proceedings to collect from McColloch \$300 in pension he had been given up to the time it was suspended. McColloch did not pay and was sued, but he died before the case came to court. His sons, John and Samuel, as executors were then sued for the amount. The opening of the following letter indicates that the jury found in their favor.]

United States District Court for the Western District of Virginia at Clarksburg Fall Term 1841

United States Pros }  
v } In case

Abraham McColloch, Executors Def } This day [6 Apr 1841] came as well the District Attorney as the Defendants by their attorney and thereupon came a jury, to wit, Joshua McCoy Joshua D. Stephenson, William A. Sommerville James Evans John W. Coffman, Charles Lewis, Walker Ebert, Luther Haymond George Tritheham, Angus W. Rooter[?], Augustine T. Bond & William W. Sommerville all good & Lawful men of this Western Judicial District of Virginia who being elected tried and sworn the truth to speak upon the issue joined upon their oaths do say "We the jury find for the Defendant. Therefor it is considered by the Court that the sd Defendants go thereof without day"

The Clerke of the sd Court furnished me with a copy of the verdict & judgment of the Court in this case and above is a copy of it  
[To] J. L. Edwards Comms. of Pensions.

After the passage of the Act of Congress passed 7 June 1832 for the benefit of certain soldiers &c during the Revolutionary war, Abraham McColloch of Ohio Co. Virginia (now dead) applied to the proper Department for the benefit of this act, submitting his Declaration & proofs and therefore he was placed on the pension roll at the rate of \$41.66 per year (if I am not mistaken). This pension he received & continued to receive for three years or thereabouts when he was by your order as I understood struck from the roll and sued in said Court in order to recover back the pension money which had been paid him. This suit he met as it was proper an honest man should do, and he dyed before his trial The suit was revived by the U. States attorney ag't. his Executors, and was tried at the last term, and eventuated as the said Copy will shew you

I never had any doubt but that McColloch was honestly entitled to be placed on the pension roll, and that his name was struck from the roll & suit brought inadvertently. His papers are on file in your office, and will shew the truth of what I say. It is true Mr. Singleton, U. States Attorney made some statements to your office rather unfavourable to Mr McCulloch, but I was satisfied that Mr Singleton had been deceived by his informants. McCulloch declaration & proofs were not at all impuned or contradicted by Mr. Singletons labours except in one small particular - namely as to the time spent in one of the campaigns (Broadheads [see note below] I believe) A man by the name of Morgan made it a week or two less than did McCollochs witness. This witness made it all his declaration did. The jury tried the cause on the merits & found for McColloch

I now write to you to know if the arrears of the pension so justly due & so long withheld can be paid without a petition to Congress. I have supposed that perhaps you could pay that arrears upon presentation of the proper papers, but being uninformed as to the usages of the government in such cases I have taken the liberty to address you this letter

Abraham McColloch died the 5 of May 1839. The children, where there is no widow, I believe are entitled to arrears, and not the Executors. The arrears (I speake from memory) are I believe about four years. May I ask the favour of a reply

Yours respectfully Z. Jacob

[The pension office replied to the above request that in spite of losing their suit to recover the money already collected by McCulloch, they saw no reason to pay his heirs the amount he would have drawn if the pension had not been suspended. On 26 Jan 1842 Mr. Jacob responded with a long letter that included the following: "I do not wish to be troublesome, nor do I wish to be thought disrespectful - may I not however ask you for a more satisfactory answer?" Jacob also stated that, "The jury was out only a short time. All who heard the trial I believe thought the verdict right, and the Court promptly overruled a motion for a new trial... the evidence for the Government only varied from his in one single matter & that only about four weeks service." The pension office responded again by saying that they had previously decided that McCulloch had not sufficiently proved his service, and that they would not reconsider that decision without new evidence. Jacob then apparently appealed to the Secretary of War, prompting the following:]

Pension Officer January 3, 1843

Sir, In the case of Abraham McCulloch referred to in the enclosed letters, I have the honor to make the following report:

McCulloch's claim was admitted in March 1833 for an alleged service of 12 months and 15 days. In 1835 the U. S. Attorney for the western district of Virginia in which district McCulloch resided, was requested to examine the case of McCulloch among a great number of other cases in that section of country, with a view of ascertaining whether their claims were fraudulent or not, as information upon which we could rely had been received, shewing that there had been numerous attempts to defraud the government in claims for revolutionary service.

McCulloch, when examined by the District Attorney, alleges a service of three months and 15 days in 1777 or 1778; one tour of 7 or 8 weeks in 1779 under Col. Brodhead, and another term of one month under Col. [William] Crawford, making in the whole not more than six months, giving the highest credit to his statement. He also alleged a supposed service as an Indian Spy about the close of the war, whether before or after he could not state with precision. The description of service which he mentions was never recognized by any law of the State of Virginia, nor by any resolution of Congress. Such service, however useful it may have been to the western settlers, was a mere voluntary association, and was considered no part of the military service of the country. When, however, the claim was first allowed, we were not well informed in relation to the subject, and therefore supposed that he might have been engaged in the service as an Indian Spy under the laws authorizing such a description of forces. It will be seen by comparing the statement before the court, copies of which I enclose, and the statement made before the District Attorney, that the claim was allowed for at least twice as much service as he performed. The Dept. determined that in all such cases the pension should cease, and none thus situated were again admitted to the pension list whose cases were not clearly established by additional proof.

The papers upon which the Dept. has acted are herewith respectfully submitted; and I request a return of them. The original evidence, of which a copy is enclosed, was sent to the District in order to prosecute the parties concerned for making false papers. I have the honor.  
Hon. John C. Spencer Secretary of War

[On 24 Feb 1860 Samuel McCulloch of Ohio County Va., Executor of Abram McCulloch, hired the law firm of Tucker & Lloyd of Washington DC to obtain the pension that had been suspended. That claim was also rejected. For more on this case see pension application S15447 of Samuel Harbert. Samuel McCulloch stated that Abram McCulloch died at his farm in Ohio County, and that he was survived by no widow but by the following children: "affiant Samuel McCulloch, Elizabeth Smith widow of Wm. Smith dec'd, Sarah McCulloch, Ebenezer McCulloch, Abram McCulloch, Rebecca Willson widow of Joseph Wilson dec'd, James McCulloch, William McCulloch, Margaret Morgan wife of Edward Morgan and John McCulloch, all of whom are still living except John McCulloch."]

NOTE: "Broadhead" was probably Col. Daniel Brodhead, who commanded the Western Department, headquartered at present Pittsburgh from early 1779 until Sep 1781.