

## Southern Campaign American Revolution Pension Statements & Rosters

Pension application of John Witherspoon S32601

fn30NC<sup>1</sup>

Transcribed by Will Graves

1/24/11

[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. I use speech recognition software to make all my transcriptions. Such software misinterprets my southern accent with unfortunate regularity and my poor proofreading fails to catch all misinterpretations. I welcome and encourage folks to call those and any other errors to my attention.]

State of Indiana County of Gibson

On this 8th day of August A.D. 1836 personally appeared in open court before the Court of Probate now sitting John Witherspoon a resident of Patoka Township in the County of Gibson and State of Indiana aged seventy-nine years who being 1st duly sworn according to law doth on his oath make the following declaration to obtain the benefit of the act of Congress passed June 7th 1832.

First. That he was born on the 11th day of December A.D. 17 56 in the County of York in the State of Pennsylvania. That he resided in Mecklenburg County North Carolina during the War of the Revolution and entered the service of the United States – first under James Huston [sic, James Houston] Captain of a company of volunteers and marched in November (the day not recollected) 1775 from Charlotte the County seat of Mecklenburg County aforesaid to a place called Ninety Six in South Carolina to suppress the Tory faction. No battle fought – Discharged in December 1775. Term of service six weeks –

Second – Marched the second tour of service from Charlotte aforesaid under James Osborne Captain of a company of volunteers in March 1776 (the date not recollected) via Salisbury against the Scotch high Landers at Cross Creek – no battle fought – Discharged in April 1776. Term of service four weeks.

Third. December 21st 1779 marched under Richard Simmons Captain of a company of Cavalry (volunteers) from Charlotte aforesaid via Camden to join the Army under Major General Lincoln at Charleston South Carolina – Stationed part of the term at Governors Gate two miles from Charleston – the residue of the Term at Stono ferry to watch the enemy stationed there and were once fired upon by a detachment of the British – no battle fought – Discharged in Charleston South Carolina 24th of March 1780. Term of service three months.

Fourth. Marched under Major Davis [sic, probably William Richardson Davie] in Captain Flannigan's Company of volunteer Riflemen in July (date not recollected) in the year 1780 from Charlotte aforesaid to the Waxhaw settlement in South Carolina to protect the Whigs or patriots from the very and malice of the Tories and during this term of service Declarant was in the battle

---

<sup>1</sup> At the time this file was viewed on Footnote.com, the page numbers assigned by Footnote.com to the digital images of each of the pages in the file were nonsensical. Footnote.com indicates that it is working on trying to resolve this issue with its software.

of the Hanging Rock under Colonel Sumpter [sic, Thomas Sumter]. Discharged at the Waxhaw settlement October 1780. Term of service four months.

Declarant does not particularly remember the names of all the higher grades of officers except that Brigadier General Rutherford was Commander of the Brigade and Colonel Polk or Poke, of the Regiment to which Applicant's Company belonged when rendezvoused at Charlotte aforesaid the number of the Regiment he does not remember.

Declarant further says that he has no documentary evidence and knows of but one person living whose testimony he can procure and even that witness can only testified generally that he knew that declarant was in the service but cannot specify the regular periods or length of time.

He hereby relinquishes every claim whatever to a pension or annuity except the present one and declares that his name is not on the pension roll of the Agency of any State.

Sworn to and subscribed the day and year aforesaid.

S/ J R. Montgomery, Clerk

S/ John Witherspoon



[Hugh Patten, a clergyman, and Joseph J. Kirkman gave the standard supporting affidavit.]

State of Indiana Gibson County: Additional Declaration for pension

Personally appeared in open Court of the Gibson Circuit Court of the State aforesaid John Witherspoon who being duly sworn deposes and saith that by reason of old age and the consequent loss of memory he cannot state in every case, or in each particular tour the precise day on which he was called into service or that on which he was discharged, except the one to Charleston South Carolina being the third tour of service in which case he was called out and marched on the 24th day of December 1779 from Charlotte the County seat for Mecklenburg County North Carolina and was discharged at Charleston on the 24th of March 1780. Applicant further saith that under the circumstances with which hostilities were carried him in the South at that period by detachments of British & Tories, the sudden calls by officers for men, and the immediate discharge whenever the purpose for which they had been called out was attained, renders it utterly impracticable at this late period to give a more definite statement of the facts that attended the several tours in which he was in the service than those already given in the Declaration on file in the War Department. He never kept any memorandum of the regular duty and in no term of service was he in any battle except that of the hanging Rock under Colonel Sumpter – the whole is set forth in the declaration, the Applicant is an aged and frail man unable to attain a competency by his own labor and for the services which he has rendered his country during the revolutionary war claims a pension.

Applicant further says that he did make Application two years ago but that his Attorney never forwarded the application to the War Department of which fact Applicant was not apprised until within a short time previous to the present application and that his said attorney either believed he had forwarded the application or neglected to do so and deceived this applicant.

S/ John Witherspoon

[fn p. 156: On August 8th, 1836, in Gibson County Indiana, Samuel King testified that he knew John Witherspoon while they both lived in Mecklenburg County North Carolina and was aware of Witherspoon having served several terms in the militia but cannot specify the length of said

service.

*Samuel King* ]

Answers to the question bounded by the Court agreeable to the Orders of the War Department –  
Question 1<sup>st</sup> Where and in what year were you born?

Ans. I was born in York County Pennsylvania in the year 1756 on the 11th day of December –  
2<sup>nd</sup> Have you any record of your age and if so where is it?

Ans. I have the record of my age in my house

3<sup>rd</sup> Where were you living when called into service: where have you lived since the  
Revolutionary War and where do you now live?

Ans. I lived in the County of Mecklenburg North Carolina, after the war removed to Knox  
County Tennessee and from thence to Morgan County Alabama and thence to where I am now  
living.

4<sup>th</sup> How were you called into service; were you drafted; did you volunteer or were you a  
substitute, and if in substitute, for whom?

Ans. I volunteered for each term of service

5<sup>th</sup> State the names of some of the regular officers who were with the troops when you served,  
such Continental and militia regiments as you can recollect and the general circumstances of  
your service.

Ans. I do not recollect the names of any except while in Charleston South Carolina where Major  
General Lincoln commanded and at the Waxhaw settlements Major Davis had command of the  
troop's and when we marched to Hanging Rock were commanded by Colonel Sumpter in the  
long engagement – and the general circumstances are substantially so far as I can recollect as  
mentioned in the declaration.

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?

Ans. I received a discharge each time signed by the Captain of the Companies in which I served,  
which Discharges have been mislaid or lost and I do not know what has become of them.

[7<sup>th</sup> 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 in your services as a soldier in the  
revolution.]

Ans. I am known to Mr. Samuel King, Hugh Patton, Joseph Kirkman and many others who  
believe that I have been a soldier of the revolution.

[fn p. 253]

John Witherspoon in this his amended declaration states, as amendatory of the facts  
contained in his several declarations on file in the Pension Office, in regard to his several tours of  
service during the Revolutionary War.

That 1<sup>st</sup> he entered the service in November 1775 as a private in a volunteer company  
under James Houston, Captain William McCullough or McCully Lieutenant and James Tate  
Ensign. The Colonel of the Regiment was one Thomas Polk, The names of the other field  
officers, the number or designation of the Regiment, not recollected. The troops rendezvoused at  
Charlotte, Mecklenburg County North Carolina in November 1775 (date not recollected) and  
marched to South Carolina to suppress a party of Tories who were in arms and rose against the  
country, having their head quarters at Ninety Six in South Carolina. The troops marched as far as

Musgrove's Mills on Raiburne or Raybon Creek<sup>2</sup> near Ninety Six, at which place, intelligence was received of the description of the enemy, & that part of them had taken refuge in a canebrake in the vicinity – Upon this several of the men volunteered under Colonel Polk, the commander of the troops, of whom the declarant was one, to scour the canebrake, and they succeeded in capturing 12 or 15 of the Tories among whom was one Fletcher [sic, Thomas Fletchall] a Colonel. The next morning the troops were discharged & returned home. The party of Tories were said to be under the command of one McGirty, and besides him the declarant recollects Captain Dick Parris, & one Robinson were officers of the said party. Declarant was discharged on the 24th of December 1775 – the day on which "Great Snow" began to fall, as he believes. This term of service (of six weeks) was during what was afterwards designated the "celebrated Snow Campaign."

2nd. The said declarant at again entered into the public service in March 1776 (the day not recollected) as a private in a company of volunteers under the command of James Osborn, Captain, Samuel Flanagan Lieutenant & David Flanagan Ensign. Rendezvoused in Mecklenburg North Carolina in March 1776 (day not recollected) and marched home after the main body of the Army under General Rutherford of the North Carolina militia sent against the Scotch Highlanders who had their head quarters at Cross Creek (now Fayette [sic, Fayetteville]) North Carolina, about 80 miles from Charlotte. The enemy were dispersed before the Army reached that place, and the troops were discharged at that place in April (date not recollected) 1776. Term of service four weeks. Polk was commander of the Regiment. The names of the other field officers & the designation of the Regiment not recollected. The only place marched through of any notoriety was Salisbury. No battle or skirmish fall.

3. Declarant then volunteered as a private in a Corps of Light Horse under Richard Simmons, Captain, Marshall Martin Lieutenant. Rendezvoused at Charlotte North Carolina about the 20th of December 1779 and started from Charleston South Carolina to join the southern Army under General Lincoln. After their arrival of the troops at headquarters, the corps part of Simmons company & with it the declarant (about 25 in number) was stationed at the Governors Gate, two miles from Charleston to watch the motions of the British. After which the same body was stationed at Stono Ferry about 20 or 25 miles from Charleston, where it remained about two days and was then directed to repair to a station two miles from Dorchester a small town 16 or 18 miles from the city, for subsistence as well as to watch the enemy, at which place they remained a doubt six weeks. During this time a Corp body of the British crossed Stono River at the Old Fort to the same side with Dorchester – with a part of whom the declarant's company had a slight engagement. Some short time afterwards another engagement took place between declarant's Company & a small body of the British horse. Lord Cornwallis commanded the British Army. In the American Army, besides General Lincoln & the officers above mentioned, the declarant recollects no other officers than one Colonel Malmedy (so pronounced) a Frenchman in the American service. The designation of his Regiment is not recollected. From Dorchester the company went to the city where they were discharged on the 24th of March 1780 – their time of service having expired – Term of service three months –

4. The declarant again entered as a private in a Corps of mounted riflemen under Samuel Flanagan Captain, David Flanagan cornet, the name of the Lieutenant not recollected – Rendezvoused in Mecklenburg County in July (date not recollected) 1780 and marched with another company of light horse under Nathaniel Marshall Martin Captain to the Waxhaw settlement in South Carolina, where one Major William Davy or Davie assumed the command –

---

<sup>2</sup> Musgrove's Mills is located on the Enoree River

the object of this expedition was the protection of the Whigs, and to check the depredations of the Tories. Joined General Sumter near Land's ferry on Catawba River, and the next day had an engagement with a body of British Tories at the Hanging Rock Creek, at 25 or 30 miles below the Waxhaw settlements. This engagement the declarant thinks was fought in August. The name of the enemy's commander & of other of the American troops than those above mentioned this declarant does not remember. Sometime afterwards marched to join General Gates near Camden, and when within a short distance of that place intelligence was received of his defeat, upon which the troops returned, and were discharged about the 1st of November 1780. During the time between the battle of the Hanging Rock and marching [to] join Gates the troops to which the declarant belonged were engaged in keeping the British & Tories in check in and about the Waxhaw settlement. Term of service four months.

An additional circumstance in regard to the declarant's 1st tour of service is that the troops were joined at Charlotte North Carolina by 2 regiments of regulars under one Colonel Branum or Brannan – accompanied them as far as they went.

The declarant believes fully that the several troops in which he served at the several times above mentioned was called into service by competent authority – Both men and horses drawing public stores – For the 1st two tours, the declarant received pay but for the others nothing more than provisions were received.

He further declares that during the several tours above mentioned he was in the field service, and at no time in garrison, nor was engaged in any civil pursuit.

The declarant further adds that there is no living witness who can "state in detail his personal knowledge of the declarant's services and such circumstances connected there with, as may have a tendency to throw light upon the transactions" – there is an individual who can testify that declarant was in service, but can testify to nothing more.

S/ John Witherspoon

[Veteran was pensioned at the rate of \$31.12 beginning March 4th, 1831, for 9 months and 10 days service as a private in the North Carolina militia.]