

Southern Campaign American Revolution Pension Statements & Rosters

Pension Application of Henry Payton S8943

Transcribed and annotated by C. Leon Harris

On this 28th day of October 1833 personally appeared before the County Court now in Session, Henry Payton a resident of the County of Cabell and State of Virginia aged 73 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 act of Congress passed June the 7th 1832 That he enlisted into the service of the War of the Revolution in 1777 as a private soldier in the militia and marched from the County of Amherst in the State of Virginia to the west side of the blue ridge in August [sic: Augusta County] (now the County of Rockbridge and their joined with Capt. Paxton's [sic: John Paxton's] Company and marched from that place to point pleasant at the mouth of the great Kanawha in the state aforesaid and during his stay at point pleasant Robert Gilmore (Ensign) was killed on the lower side of the great Kanawha river which led to the cruel murder of King Cornstock and his son Eli Nipsico and two other Indians he understood to be chiefs [see endnote]

this declarant further states as he passed down the great Kanawha to the mouth thereof he staid some time at the Muddy Camp about 20 miles below the mouth of Elk River and recollects that it was frequently said that 80 men went into a hollow Sycamore at that place and further states his term of service was for six months and that he was commanded by Capt Paxton Col Skillion [sic: George Skillern] and think General [Edward] Hand was his General

This declarant further states that in the fall of 1778 he was drafted as a Soldier and marched from the County of Amherst and state aforesaid to the County of Albemarle to Guard the Brittish prisoners and at that place served a tour of nine months and this declarant further states that some time in the winter of 1780 he again entered into the service of the united states under the command of Capt James Dillard as a private soldier and marched from the County of Amherst and State aforesaid to the Battle of Guilford in North Carolina [Battle of Guilford Courthouse, 15 Mar 1781] and was in the regiment commanded by Col [Charles] Lynch and from Guilford we marched to the Siege of York [sic: 28 Sep - 19 Oct 1781] and their remained till the close of the war [sic] and from thence was marched by Capt John Stewart and to the winter [sic: Winchester] Barracks and discharged having served a tour of duty for six months

He hereby relinquishes every claim to a pension or annuity except the present and declares his name is not on the pension rool of the agency of any state

Henry hisXmark Payton

Interogatories put by the Court to the declarant

1 Where and in what year was you born

Answer from the information of my Parents I was born in the County of Culpeper and State of Virginia on the 19th day of January in the year 1760

2 Have you any record of your age, and if so where is it?

Answer my age was recorded in a bible belonging to Philip Payton One of my uncles who has since moved to the State of Kentucky and this declarant knows nothing further about the record of his age.

3 Where were you liveing when called into service, where have you lived since the revolutionary war, and where do you now live

Answer When called into service I lived in the County of Amherst and State of Virginia since the war I resided there for twenty years then I moved to the County of Kanawha now the County of Cabell where I have since resided up to the present time

4 How were you called into service, were you drafted, did you volenteer or were you a Substitute, and for whom

Answer The first tour of duty I went as a Substute for a Gentleman that came to my Fathers his name I cannot recollect I recollect that he paid me twenty dollars in hand, the 2nd 3rd tours I was drafted

5 State some of the regular officers names who were with the troops where you served such continental and militia regiments as you can recollect and the gen'l circumstances of your

service

Answer at point pleasant I was commanded by Capt John Paxton and Col. John Skillerd commanded the regiment I belonged to, & I think Gen'l Hand was commander in chief At The Barrocks [Albemarle Barracks] I was commanded by Col. [Francis] Taylor Major [John] Roberts and Capt Hicking Bottom. at Guilford Battle I was commanded by Gen'l Green [sic: Nathanael Greene] Gen'l [Robert] Lawson and Capt dillard At the Seige of York Gen'l. Washington commander in chief. My Capt was John Stewart

6 did you receive a discharge from the service and if so what has become of it

Answer I received three discharges and have lost them

7 State the names of persons to whom you are known in your present neighbourhood who can testify to your character for varacity and their belief of your services as a soldier of the revolution

Answer G Elisha McComas Moses McComas William McComas jr. Roland Berry[?] Sr Fredrick G L Bughring and Soloman Thornburgh Esqr.

[The following report is by District Attorney Washington G. Singleton who investigated many pensioners from present West Virginia. For details see pension application S6111 of David W. Sleeth.]

Henry Payton - alledges in his Declaration to have served one year in the Va. Militia under Capt. Paxton & Col. Killern So says the abstract —

I the undersigned Henry Payton in pursuance of the requisition of the Secretary of War make the following re declaration of my revolutionary services. I am a native of Culpepper County Va. was born Jan'y. 19, 1760. when a small boy my father moved to the county of amherst Va. where I lived until within the last 30 yrs. in that time I have lived in this country -

in the Summer of 1777 (to the best of my recollection) "I was enlisted for and during the war" by a recruiting officer whose name I have forgotten [see endnote] - Some 12 or 13 of us (including my Father and brother all of whom had been enlisted in Amherst County by the same officer) were marched to the county of augusty (now Rockbridge) and put under the command of Capt Paxton who I was informed was a regular officer) My company with one other (cant recollect who commanded the latter company) marched from augusty under Col. S Skilleron to Point Pleasant. whilst there the Celebrated Indian warrior "Corn Stalk & some other Indian chiefs were killed - we marched to the Point in the summer season & was discharged in the succeeding winter - I think I was gone some five or six months, but cant say possitivly how long I was in service. I wont speak certainly on that subject -

I think it was in the next succeeding summer (but of this I am not certain) I was drafted & marched to the Albemarl Barracks. I went from Amherst county - I can not remember who was my captain nor who commanded at the Barracks - I had so many captains I have most forgot who was my captain, but I think his name was Higginbottom - I served a good many times at the Alemarl barracks. Sometimes in my own place some times as substitute - I served a heap of times there. I cant say how many times or how long in the whole - it has been so long ago I have forgotten - but I know that I did serve at the Albemarl Barracks a heap of times.

I think it was in February 1781 I was drafted & marched from amherst county under Capt. James Franklin. I afterwards joined Capt Scotts company of Riflemen and then attached myself to Capt Dillerds company. Served out my time under him at Gilford Court House. Deep river &c [see endnote] I was not in the Battle at Gilford Court House, but was close by and heard it going on. General Green commanded in the Battle at Gilford. I dont know who was my Colonel - I suppose I was drafted for six months, but I can tell whether or not. Nor how long I was in service on this occasion. I got my discharge from Capt. Dillon - after my return home from the last mentioned campaign, I went down to Yorktown Va of my own accord. got there some time before the Battle and then substituted in the place of a man whose name I have forgotten - "for the time I was there" I was attached to Capt Stewarts company. Capt Stewart was a substitute captain" I was in the Battle at Yorktown & marched with the prissoners to Winchester, I cant tell how long I was in this service. I can prove my services by [blank] Shomaker [Zedekiah Shumaker, pension application S7480] & James Harrison [S5496] of Amherst county. the Honbl. Wm McComas wrote my Declaration. I think the substance of the statement here given is the same I

gave to him he charged me nothing.

In Witness to all which I hereto subscribe my name August 26, 1835.

Henry Payton

Witness James M. McComas

Daniel Davis [pension application S8287] who was in service at Point Pleasant at the same time Payton alleges to have been there (See Davis redeclaration) says he saw nothing of Peyton there & from frequent conversation with him on the subject of that service he Davis does not believe that Payton was there - he further says that Payton is a man of bad character. - John Samuels Clerk of Cabell County says that Peyton is a man of Bad character and that the opinion of the people to whom Peyton is known is decidedly against him. none believe him to be entitled to a pension.

A Copy

W G Singleton.

Note - this is clearly a fraudulent case - every man with I have conversed on the subject believe Peyton to be an impostur. I endeavoured to take his statement in his own words and have copied it literally. that of its self will I presume be conclusive of his case - his manner and confusion was more conclusive. his character is worse than bad - ought not proof to be required

W G Singleton

Washington City January 10th 1837

Dr Sir Inclosed you will see the affidavit of Mrs Spears in behalf of Henry Payton. From the report of Mr Singleton you may infer every thing that is bad in relation to Payton's character. I have known Payton from my child hood and will in a brief manner give you his character. I do not admire his character yet it is not the worst in the world. To the point he is considered by all who know him as a good Neighbour and never to my knowledge did I hear any thing like dishonesty alledged to his charge. this is the fair side. now for the dark side. He is a drinking man and when drunk very disagreeable he is very noisy always a bragging of his manhood and revolutionary services which is quite offensive. No charge of false swearing was ever alledged to his charge. This Sir would be my account of him on oath, I have not one single doubt in my mind as it respects his services at point pleasant - I have conversed with many old men who moved from Amherst to our County and they all confirm my mind on the subject. Many affidavits could be procured though not eye witness to his enlistment and marching yet they understood by all acquainted with him that he did march to point pleasant. I received at the close of last session a letter from Col Brien of Amherst stating that he was without doubt a soldier at point pleasant. I hope you may find it consistent with you duty to place him on the roll for six months.

Yours most respectfully.

W McComas [Congressman]

I have no doubt but Mr Singleton is honest in his representation of what he understood of Paytons character He stoped at a Tavern where Payton frequently resorts and from his noisy and disagreeable manners when drunk few Tavern keepers would speake favourable of him

War Dept. Pension Office Jan. 17, 1837

Sir, The affidavits of John and Katharine Spears in the case of Benjamin [sic] Payton are herewith returned. Before these papers can be received as evidence, the magistrate who administered the oaths much certify that they are credible witnesses, and the County Clerk must under his seal of office certify as to the official character and signature of the magistrate. I cannot, however, after these papers shall have been duly authenticated, consider them as sufficient to remove the objections in this case. In all such cases as this, direct proof of service is deemed essentially necessary, and without such proof, I cannot consistently with the rules laid down for my guidance restore his name to the Pension Roll [see endnote]. I have the &c
Hon. W. McComas House of Rep.

Depart. of War, Pension Office Jany 23 1840

Sir I return herewith the papers of Henry Peyton and in reply to your letter upon the subject of his claim I have the honor to state, that his name was inscribed upon the pension roll under the act of June 7, 1832 on the 6th day of Jun. 1834 at the rate of \$40 per ann; that being the amount due to him by the law for 12 mo service as a private. In the year following, it was ascertained, that numerous and very extensive frauds had been practised in some of the western

counties of Va. That by taking advantage of the liberal provisions of the law, which did not in all cases require positive proof of service, a great number of claims were presented at the Depart. and improperly allowed.

An investigation upon the subject of these claims was had through the agency of W. G. Singleton Esq the District Attorney of the U.S. for Western District of Virginia, who was appointed for that purpose in 1835, by whose reports the Depart. was in some measure guided in relation to its final decision on these claims so reported

In the case of Henry Peyton, he states, "this is clearly a fraudulent case - every man with whom I have conversed on the subject believe Peyton to be and imposture" - "his character is worse than bad"

Under this report, the Depart. felt justified in dropping his name from the roll, until such time as he should present the most conclusive proof in support of his allegations. No such proof has as yet been received

I have the honor
Hon Jno. Carr H R

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NOTES:

In the fall of 1777 Chief Cornstalk, his son Ellinipsico, Red Hawk, and Petalla were being held hostage near Point Pleasant to ensure good behavior by the Indians. They were murdered by soldiers enraged by the killing of Lieutenant James Gilmer or Gilmore. The deposition of Daniel Davis of Cabell County also refers to him as Robert Gilmore and is similar in other ways to Payton's.

Enlistments "for and during the war" occurred only in the Continental service, never in the Militia.

After the Battle of Guilford Courthouse the army under Gen. Greene pursued the British as far as Ramsey's Mill on Deep River. In early April many of the militia were discharged, and the remainder proceeded to South Carolina.

Because rosters, payrolls, and other documentary evidence of militia service was seldom preserved, the procedures under the Act of 1832 allowed "traditionary" testimony as proof of service. The applicant's own sworn statement and the certification of two neighbors regarding his "character for veracity" and the opinion that he was a soldier of the revolution was generally sufficient. In Payton's case, there is the additional evidence that he knew the names of Zedekiah Shumaker and James Harrison who were in the same service. The only substantive evidence against Payton's claim is the statement of Daniel Davis.