

Southern Campaign American Revolution Pension Statements & Rosters

Pension Application of Joseph Burnett W4644

Transcribed and annotated by C. Leon Harris

[Punctuation partly corrected]

State of Virginia Franklin County To witt.

On this 26<sup>th</sup> day of February 1850 before me Peter D Holland a Justice of the peace in and for said County, personally appeared, Mr. Lucy Wilkes - maiden name Burnett - a resident of said County - Aged 70 years the 24<sup>th</sup> of August next - who being first duly sworn according to law doth on her oath make the following declaration in order to obtain the benefits of the provision made by the Act of Congress passed on the 4<sup>th</sup> day of July 1836 allowing pensions to widows of Revolutionary soldiers, who were married previous to the expiration of their last term of service.

That she is the wife of Archibald Wilkes - and the only surviving child of Joseph Burnett dec'd of the county of Bedford - who was an enlisted soldier in the Revolutionary war, for the term of 18 months, at one time, which was in the first of the war - being at the time married man with one child, if not more, and that he the said Joseph Burnett, served out said term of enlistment for 18 months at the North, under cap. [blank] in Gen'l. Washingtons Army - and that he was at the Battle of Brandywine [11 Sep 1777] for one place that she can recollect of his saying he was in. He may have been in other Battles, and at other places - and served more than the 18 months in all, but this is all her memory serves her about.

That her Father the aforesaid Joseph Burnett, was married at New London, in the then County of Bedford (now Campbell) by Rev'd. Mr. [blank] a minister of the church of England to wife Mabel Melton to whom they went to be married as was the custom then, about the year 1774 or 1775 or about 74 or 75 years ago it must have been, at least; as declarant had one brother and one sister older than herself, named Absalom and Anna Bunett about 2 years between each. And that her, declarants mothers, maiden name was Mabel Melton. That her Father the said Joseph Burnett dec'd. died in the County of Bedford as aforesaid over 60 years ago - it being when declarant was about 7 years old - and that her mother the said Mabel Burnett, the legitimate widow of said Joseph Burnett dec'd died in the County of Grayson in said state - to where she moved in or about the year 1810 about 4 years ago - the exact date she can not state at this time -leaving declarant her only child alive. That her Father, Joseph, and Mabel, as above, had 4 children in all - 3 of whom are dead, leaving declarant as aforesaid the only survivor. And that her dec'd. Father, Joseph Burnett aforesaid, was married previous to the expiration of his last term of service as aforesaid - having at least one child at the time - To witt, Anna Burnett.

All of which will fully appear by reference to the proof annexed. Lucy herXmark Wilkes  
Declarant says that her mother Mabel Burnett died in Oct'r. 4 years ago last October, as well as she can now recollect.

[On 13 Mar 1850 Anna Wilks deposed that Mabel Melton Burnette died 18 Oct 1845.]

This is to Certify, That it appears from a List in this Office of such Officers and Soldiers of the Virginia Continental Line, during the Revolutionary War, as settled their Accounts, and received Certificates for the balance of their Full Pay, according to an Act of Assembly, passed the November Session 1781, that a Certificate issued on the 28th day of November 1783, in the name of Joseph Burnett as a Soldier of Infantry for £36.0.0, which Certificate appears to have been delivered to Thos. Lumpkin and was given for services prior to the 1st January 1782.

P105 Given under my hand at the Auditor's Office, Richmond, this 8th day of January 1847.

Jas E Heath AUDITOR.

State of Virginia, Franklin County to witt

On this 7<sup>th</sup> day of April 1845, before me Patrick A Bassett a Justice of the peace in and for said county, personally appeared William Arthur [pension application S6528], a respectable resident of the County of Henry, who being first duly sworn according to law, doth on his oath say — That he is 83 years old - and became acquainted with Joseph Burnett dec'd. of Bedford County

during the revolutionary war - the same person who married Miss Mabel Melton in Bedford County in the early part of the Revo'y. war. He dep. recollects distinctly seeing, and being in company with said Burnett just after he had returned home in Bedford from a regular tour of service - he understood he was at the Battle of B. Wine, and other places at the north before he returned - and that he understood also, that he served several malitia tours, but that he has no knowledge of them himself. Burnett died at least 45 years ago - and his widow Mable, moved to Grayson, where she died, as he is informed some 5 or 6 years ago. William Arther Deponent Wm. Arthur says further, that he understood from others, that said Joseph Burnett was an enlisted soldier in the Revo'y. War for 3 years service, and that he enlisted in the early part of the war.

State of Virginia, Franklin County To witt

On this 4<sup>th</sup> day of May 1850, before me Solomon Pasley a Justice of the peace in and for said County, personally appeared Archibald Nichols, a respectable resident of the County of Franklin, and a man of veracity, and of sound mind; who being first duly sworn according to law doth on his oath say - That he is 82 years old - and came to Bedford County Va. from Maryland - in the early part of the Revolutionary War, and settled in the same neighbourhood where Joseph Burnett lived - a revolutionary soldier - and became acquainted with him - and that he knows the fact, that said Burnett enlisted as a regular soldier and was marched to the North, and was at the Battle of Brandy Wine before he returned - and was under the command of Cap Jno. Childs from the county of Bedford [see endnote] - who was captain of the Company - or quarter master, or held some other office in the Army, in the Revolutionary War, at the time they marched - and it appeared to deponent, that said Burnett was gone at least two years before he returned home to his family - he the said Burnett being a married man at the time; having married a Miss Mabel Melton (the daughter of Absalom Melton of Bedford County) by whom he had several children - 2 of whom at least was older than Mrs Lucy Wilkes, who was the 3<sup>d</sup> child - and who is about 70 years old at this time. He thinks one of the other children was name Absalom. Deponent is satisfied, that said Burnett and his wife Mabel was married as early as 1774 or 75 - or 75 or 76 years ago, and that he had one or two children when he went in to said service. Said Burnett died about 60 years ago in Bedford Co. and his widow Mabel moved to the County of Grayson, 40 years ago, where she died about 4 years ago, leaving Mrs. Lucy Wilkes her only child now alive.

Archibald hisXmark Nichols  
Declarant further states, that said Burnett lived first after his marriage near "Lumpkins Store" in Bedford - now called "Caseys" [sic: Kasey] before he moved over Goose Creek as he understood. [John P. Nichols deposed similarly and added "that he was well acquainted with Thos. Lumpkins, who was a Merchant in Bedford County, during the Revolutionary war, and was a Delegate from said County to the Va. Legislature, in the years 1783 and 84."]

Lynchburg Nov'r 18<sup>th</sup> 1850

Sir [Col. James L. Edwards, Commissioner of Pensions],

Yours of the 12<sup>th</sup> is before me rejecting the claim of Mrs. Lucy Wilkes of Franklin Co. Va. daughter of Mrs Mabel Burnett dec'd of Grayson Co. Va. widow of Jos'h. Burnett dec'd who was a regular private sold'r. for 18 months at one time, besides a tour in the malitia afterwards.

you object to the evidence first on account of the age of witnesses at the time of service rendered and required reasons to shew why this claim was not prosecuted sooner. To the 1<sup>st</sup> objection we would observe that you are entirely mistaken as to 2 of the ages of the witnesses - that of Wm. Arthur and the older Mr. Nichols - Arthur was a man grown and in service himself and was a neighbour, and not a stranger to Burnett as you seem to suppose. The elder of the Nichols was a waggon boy at the beginning of the Revolution [illegible abbreviation]. we did not introduce them as witnesses to prove the exact services of Burnett, but to prove the fact, that he was in service to the North as a Regular soldier from Bedford County Virginia and to Identify him as the same person named in the Certificate of the Auditor of Va. showing by the settlement of his a/c in 1783 that there was £36 due him for services in the Regular Line - equal to 18 months - by proving by the two Mr. Nichols that this same Joseph Burnett, who had the reputation of having been in the Regular Service as above did live about the time of the war

[illegible abbreviation] only one or two miles from where Thos Lumpkin kept a store - and consequently was well acquainted with each other - and Burnett being a poor man was no doubt in debt to said Lumpkin for goods and he Lumpkin being elected to the Va. Legislature, no doubt took the discharge of said Burnett along with him and obtained the certificate of pay due him of £36 - as was a common practice in such cases. - and that the Thos Lumpkin name on the certificate of pay filed with the papers is no other person than the merchant in Bedford to whom Burnett lived so near, and the delegate from Bedford and who settled Burnett account of services for him. This evidence and coincidents of facts in the case is sufficient to satisfy any impartial mind that this Jos'h. Burnett who went into service from Bedford is the Identical person named in the certificate of pay delivered to Thos. Lumpkin in 1783 or 84, as the delegate from Bedford Va. Again.

When I went to Franklin to take the declaration of Mrs. Lucy Wilkes I supposed that Burnett had served at least 2 if not 3 years (from the neighbourhood talk) but Mrs. Wilkes had rec'd it from her father, and so handed it down by tradition as it were - that she always heard him say that he served 18 months at the north as a regular - being a married man at the time. This adherence of hers to the 18 mo. service is entirely corroborated by the certificate of pay delivered to Mr Lumpkin, the delegate from Bedford, with whom her Father dealt no doubt in his life time being so near a neighbour. This statement of Mrs Wilkes is no copying of the statement of others, but is a distinct recollection of her own - and indeed differs with the neighbours as to their recollections in regard to her husbands service - they supposing that he had served longer than 18 months. The certificate of pay showing 18 mo. services identified as Burnett is by it is as strong, if not stronger evidence than if the name of Jos'h. Burnett was found on the Roll of any particular captain which we might name - and not fully identified - for in the latter case it may have been another person, but in this case it is impossible.

If you were a pension agent in this part of Virginia and having the knowledge that I have of the face of the Country, and the want of education of this class of people you would not have found it necessary to ask the question you have why this claim has not been put in a state of prosecution.

Mrs Burnett belonged to the most illiterate and uninformed class of society - and living a she did for many years in Grayson Co as you will see by the papers she had no access even up to her death to any person who knew any thing of her rights on this subject and Mrs. Wilkes is equally ignorant and obscure as her mother was in her life time - nor is this a solitary case of neglect to prosecute what was at one time good claims for pensions - for I know of many cases, which if they had informed me of, from some 5 to 10 years ago could easily have been established. Then in answer to your last interrogatory - we have merely to say that both Mrs. Burnett and daughter - the declarant - were entirely ignorant of their rights on the subject until investigated by myself.

Joseph Burnett having died about 40 years ago, and the widow living many years past, and dying apart from her daughter Mrs. Wilkes, the latter has lost sight of the captains name that her husband was under. It may have been under Capt. Gross Scruggs Rifle Co. Alex'r. Cummings, Geo. Lambert [illegible interlined word] - (Paulding or Campbell) all of whom recruited in that part of the state - it is more likely however that he was under one of the 3 first named captains, all of whom was in service at the North in 1776 and 77. [See endnote]

I think upon a reconsideration of the case you will be satisfied that it is clearly shown that the services of Joseph Burnett, dec'd the Father of declarant is clearly made out - and Identified - and that his daughter Mrs. Wilkes is entitled to the pension under the Act of July 36, to the time of her mothers death in Oct'r. 1845 at the rate of \$60. pr An. yours respectfully-

Robt. H Gray

P.S. In the case of Lucy Wright Act July 36, instead 8 mo. under this act which we claim you offered to issue a certificate for 6 mo. under the act of July 7, 1838. The parties being needy we are compelled to accede to your offer - reserving to ourselves the rights of increase hereafter. Please forward the certificate as soon as possible.

Ro H G.

NOTES:

I could find no record of a John Childs, but a John Chiles was Captain of the Bedford

County Militia. Gross Scruggs was captain of a company recruited in Bedford County on 26 Feb 1776 and attached to the 5<sup>th</sup> Virginia Regiment of Foot on Continental Establishment. Alexander Cummins was captain of a company in the 1<sup>st</sup> VA Reg. of Foot beginning in Sep 1778. George Lambert was commissioned a captain in the 14<sup>th</sup> VA Reg. of Foot on 24 Feb 1777.

Lucy Wilkes obtained a pension certificate of \$60 per year for her father's 18-months service.