

[Southern Campaign American Revolution Pension Statements & Rosters](#)

Pension Application of Benjamin Clearwaters W4925 Elender Clearwaters VA
Transcribed and annotated by C. Leon Harris

State of Tennessee } Circuit Court January Term 1827
Madison County }

Present the Hon^l. Joshua Haskell, Judge presiding in the said Court &c. On this 27th day of January 1827 personally appeared in Open Court (being a Court of Record proceeding according to the course of Common Law, with a jurisdiction unlimited in point of amount keeping a record of its proceedings, and having the power of fine, and imprisonment held for the County of Madison in the 8th Judicial Circuit of the State of Tennessee.) Benjamin Clearwaters resident in the said County of Madison aged Seventy Eight 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 act of Congress of the 18th of March 1818 and the 1st May 1820, that the said Benjamin Clearwaters enlisted a private Soldier in the revolutionary war on or about the month of February 1776 for the Term of three years in the state of Virginia in Captain William Barrets Company in the 3^d regiment of the United States Cavalry, then commanded by Colonel William Bailer [sic: George Baylor] afterwards by Colonel [William] Washington, Col. Bailer having been taken prisoner at a place called Tappann Church in the Jerseys [sic: Tappan NY, 28 Sep 1778] – afterwards resigned, and was succeeded in command by Col. Washington. that he the declarant continued in the same Company under the command of different Captains. Towit, Capt. Cad. Jones [Cadwallader Jones]. Capt Jack Linton. Capt. Henry Boyers [possibly Henry Bowyer, pension application W5859] until some time in the month of June 1782 or 1783 he does not recollect which, when he was discharged at Richmond in the State of Virginia, having served without intermission from the time of his enlistment, and then received an honorable discharge, which has long since been destroyed by fire. That he was in the Battles of Brandywine [11 Sep 1777], Germantown [4 Oct 1777], Camden [Battle of Hobkirk Hill near Camden SC, 25 Apr 1781], Ninety Six [Siege of Ninety Six SC, 22 May - 19 Jun 1781], Cowpens [17 Jan 1781], Eutaw Springs [8 Sep 1781], and various others of less note. That he received a wound from a Bayonet above his left knee at a place called Monks Corner on a surprise in the night [Moncks Corner, 14 Apr 1780] also two wounds at the Battle of Eutaw Springs one across the right arm with horseman sword and another of great length and depth across his head with the same weapon, that he hereby relinquishes every claim whatever to a pension except the present, that his name is not on any roll as he knows of except the above named company in which he served as aforesaid, and that the following are the reasons for not making an earlier application for a pension, untill within twelve or eighteen months past he possessed unusual health and vigour for a man of his years, nor has he to this day ever had a spell of sickness within his recollection or knowledge, but that about the last twelve or eighteen months the wounds which he received in Battle as above mentioned aided by advanced age heav commenced afflicting him and have ultimately so impaired his strength and powers of action as to render him unable longer to support himself by hard labour, to which he has been accustomed for the greater part of his life, that in consequence of his increasing infirmities, and indigent circumstances he did in the month September 1825, on the 19th day of said month for the purpose of obtaining a pension apply to and file a Declaration in the Circuit Court of Humphreys County, which was forwarded to the proper department and afterwords sent back on account of some informality, the reason why he did not apply sooner was, that previous to that time he was able to support himself by Labour that this is the first opportunity he has had of renewing his application since the failure of the one above mentioned, and in pursuance of the act of 1st 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 disposed of my property or any part thereof with intent thereby so to diminish it as to bring myself within the

provisions of an act of Congress entitled “an act to provide for certain person 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 and by me subscribed. towit; – Secdude of all the property estate right, credit monies, demands or securities therefore of Benjamin Clearwaters on the day of the date hereof Towit.

One Bed fifteen dollars.	\$15.00
one small pot one dollar.	1.00
Shelfwear two dollars.	2.00
One plough two dollars.	2.00
two hoes one dollar.	1.00
one axe two dollars.	<u>2.00</u>
Total.	23.00

Benj hisXmark Clearwaters

On the 18th of March 1818 this declarant states he had no property whatever other than his wearing apparel, nor had he at that time any monies or securities therefor, his whole estate was on his back. In fact he states that seventeen months preceeding may 1815 he enlisted in the service of the states in the late war with great Brittian, served in Capt. Love’s Company of Col. Nicholas Long’s Regiment, being the 43^d Regt. of U. States infantry, and was discharged from this latter service at the time above mentioned in Wilmington N.C. that he had no property of any consequence, when he entered the last mentioned service, and that previous to the 18th May 1818 he had expended all monies or bounties he had received from the government of the United States, for his services, that he continued to support himself by his labour from the time last mentioned, having no family until some time in the month of October 1822 when he married a woman having two children that his family now consists of himself his wife and three children of the age and description following Towit. This declarant aged seventy eight years. his wif Elizabeth aged twenty three years. Johnathan Tucker, a boy, his wifes son aged seven years, James Howard a boy, his wifes son aged five years. Betsy Auin [Betsy Ann?] his Daughter aged two years. This declarant states that his wife is able to render as much assistance as women generally are, the children are too small to afford any aid, and that as for himself he is by Occupation a farmer or Labourer, but is now unable from the causes of decrepitude before mentioned and bodily infirmities to work or Labour, and that he now is in such indigent circumstances as to be unable to support himself without the assistance of his Country. – This declarant further states that he is unable to prove his services by the officer or Officers or any one of them, under whom he served, he does not believe that either of them are now living, and if living he would not know where to find them. the only person whom he can find by whom he can prove any facts in relation to his services are Josiah Pucket [sic: Josiah Puckett R8510], who was a mesmate of his at the time of his discharge, and Brettian George [sic: Breton (Britton) George S38725] both of them now residents in Humphreys County in this state, but who are unable to attend this court on account of age, and bodily infirmities. This Declarant has therefore been at the trouble and expence of causes them severally to come before Justices of the peace of said County of Humphreys, and make depositions of such facts, which said Depositions and the clerks certificate thereunto annexed are herewith exhibited, and prayed to be made a part in this Declaration, and read in the words and figures following Twit. –

State of Tennessee }
 Humphreys County }

This day came Josiah Puckett a credible man, before me John Maden an acting Justice for said County, and made oath in due form of Law, that he is personally acquainted with Benj’n. Clearwarters, and has been since the year 1782 He further knows that the said Benj. Clear Warters served as a regular soldier under Col. Washington in the 3^d. Regt. of United States Cavalry, but doth not know how long he served of his own knowledge for he was in the service before he was acquainted with him the said Clear Waters.

Sworn to and subscribed before me this 11th day of October 1826. Josiah hisXmark Puckett
N.B. The within named Josiah Puckett also makes oath as within that the within named Benj Clearwaters
was furloughed at Nelsons Ferry on Santee and discharged by order of Congress at Richmond in the state
of Virginia, and that from age and infirmity he is and will be unable to attend madison Court. Sworn to
and subscribed before me this 11th day of October 1826 Josiah hisXmark Puckett

State of Tennessee }
Humphreys County } This day Brittian George a man of credibility personally came before me
George W. Fannis an acting Justice of the peace in and for said County, and makes Oath in due form of
Law. He deposeth and saith that he is acquainted with Benjamin Clearwaters, and has been since the
year of our Lord 1782. he knows the said Benjamin ClearWaters served in the Revolutionary war as a
regular Soldier under Col. Washington in the 3^d. Regt. of United States Cavalry, but doth not know when
he said Benj'n. Clearwaters was discharged, or how long he served, and that owing to age and
infirmities, he is & will be unable to attend madison Court.

Sworn to & subscribed before me this 8th day of December 1826 Brittian hisXmark George
[Copies of court certifications not transcribed.]

This Declarant states that the deposition of Josiah Puckett and Brittian George are the only
evidence within his power to procure in proof of his services in the Revolutionary war as before
mentioned, that this application or declaration, is made in continuance of that made in the Circuit Court
of Humphreys County on the 19th Day of September 1825, as before mentioned, from which time he
conceives himself entitled to draw a pension, that the reason why he failed it there in the first instance, or
why any any defect existed in it was from an ignorance of the law both on his own part, and that of his
councillors, that since the 18th of March 1818 I have accumulated no property whatever except such as has
been enumerated or set forth in the above list except two horses, both of which died during my
ownership of them, and some few cattle which I have disposed of for the support of myself and family.
My property since the period above mentioned has under gone no other alterations whatever.

Benjamin hisXmark Clearwaters

[On 17 Feb 1851 Elender Clearwaters, age 90, of Hall County, applied for a pension stating that she was
married to Benjamin Clearwaters on 25 Dec 1776 (sic), and he died 7 March 1848. The file contains a copy
of a bond signed in Randolph County NC on 21 Dec 1788 by Benjamin Clearwaters and James Elder for
the marriage of Clearwaters to Elenor Robbins.]

State of Georgia } ss
County of Hall } On this First day of August AD 1853 Before m an acting Justice of the Inferior
Court in & for said County & State personally came Thomas Stephens a resident
of said County & State and the legally qualified Administrator of Elender Clearwater late of said County
deceased – Who being first duly sworn according to law doth on his oath make the following Declaration
in order to obtain from the United States the pension due said Elender Clearwater deceased at the time of
her death. that he is the legally qualified Administrator as above stated. (a certified copy of his letters
Testamentary is hereto attached)

That the said Elender Clearwater deceased was the identical person who applied for a pension as
the lawful Widow of Benjamin Clearwater late of Dickson County State of Tennessee Deceased who was
a pensioner of the United States at the rate of \$96 per annum and whose pension was payable at the West
Tennessee Agency under the acts of the 18th March 1818 and the 1st May 1820 for Revolutionary Services
rendered in Captain Barretts Company, Colonel Washingtons Regiment of the Virginia line –

That the said Benjamin and Elender Clearwater was legally married as he allways understood
and variably believes in Randolph County State of North Carolina in the year 1788 by one David Coltern a
Justice of the peace, and that the said Benjamin Clearwater died in Dickson County Tennessee on the 7th

day of march 1848 leaving the said Elender as his lawful widow who then, and for a long space of time previous resided in Habersham County in this State, and afterwards, and at the time of her death in this (Hall) County Georgia – all of which will appear by reference to her Declaration & proof submitted therewith on file in the pension office. that the said Elender Clearwater died at the Residence of Declarant on the 22nd day of October 1852 –

Declarant further states (by way of explanation) That the said Benjamin and Elender had been separated from each other for something like twenty years previous to his death, that he was intimately acquainted with them at the time of their separation and had been for thirty years previous, that the said Benjamin Clearwater for some time previous to his leaving, or separating from his wife (the said Elender, become partially deranged, in mind, that is, at Times, would act and talk like an insane man and would wander off from his home, & travel through the Country. at other times, would appear to be sane, and return to his home, he kept on in this way for some time until finally he got off to the State of Tennessee, and there made application for and obtained his pension, that some year or two after obtaining his pension he returned to his wife, remained with her a short time and returned to Tennessee, telling his wife (the said Elender) that he would have his pension transferred to Georgia and return to her, but did not return any more. That if the said Benjamin Clearwater stated in his declaration made in Madison County Tennessee, in 1821 that he had a wife there living to whom he was married in October 1822, aged twenty-three years, that he must have been deranged at the time, as that statement was untrue. that such was not the fact, the Declarant ever heard of, and if it should have been the fact, that woman who ever she was, was not, nor could not be, his lawful wife as the said Elender was then living whom he always acknowledged to be his lawful wife, to Declarants own knowledge, and continued so to do up to the time of his death, as Declarant was informed by persons that were present at his death. And Declarant further States. That the said Benjamin & Elender lived in his immediate neighbourhood and that he was intimately acquainted with them in the year 1822 and had been for a number of years previous and was afterwards to the dates of their deaths, with the exception of the said Benjamin having gone to Tennessee as before stated. And that he could not have married an other woman at that time without his knowing of it, or afterwards without his hearing of it – as he knew where the said Benjamin Lived all the time.

[signed] Thomas Stephens adm'r &c

NOTE:

The signature on one document is "Elender Clearwaters," but in others it is an X. The signature, as well as others, were suspected forgeries at the Pension Office. In a letter written in Aug 1853 the pension agent explained these and other discrepancies. He stated that the signature of Elender Clearwaters was genuine, and that as she became older she was not physically able to sign her name.

On 23 Dec 1850 Susannah Baty of Habersham County GA stated that she had known Benjamin and Elender Clearwaters to be married for eight or nine years in Pendleton District SC. On 6 Jan 1851 Deborah Middleton, 78, of Floyd County GA, stated that she had known Elender Robbins before she was married to Benjamin Clearwaters in 1776 by David Coltrain at the house of Moses Robbins in Randolph County NC. On 13 Aug 1851 Stephen Cobb, 87, of Hall County, stated that he had been a neighbor of Benjamin and Elender Clearwaters and fellow members of the Baptist church in Pendleton District for about five years beginning in 1811. On 15 Aug 1851 Olife Stephens (as signed), 56, of Hall County, stated that beginning around 1812 she knew Benjamin and Elender Clearwaters in Pendleton District SC and for about 20 years lived in their neighborhood, where they were known and respected as man and wife.

A document dated 4 Aug 1854 lists the following surviving legitimate children of Elender Clearwaters: Olive Stephens, 60, of Hall County, wife of Thomas Stephens; Rachel Nicholson, 62, of Lumpkin County GA; and Deborah Raper, 64 or 65, of Dade County GA.