

Southern Campaigns American Revolution Pension Statements & Rosters

Pension Application of James McElwee W9553

Rhoda McElwee

f79SC

Transcribed by Susan K. Zimmerman and R. Neil Vance

[Revised Oct. 7, 2014]

[Original spelling and punctuation retained]

State of Missouri

County of Pike

Sept Term Pike Circuit Court 1832

on this 26th day of September

in the year 1832 personally appeared in open court being the circuit court for the county of Pike aforesaid now sitting James McElwee a resident of said county of Pike in the state of Missouri aforesaid aged seventy four 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 on the 7th day of June in the year 1832. That he entered the service of the United States as a volunteer militiaman in the winter of the year 1774-5 under the command of Colⁿ Thomas Neel¹ and under the immediate command of Capt John Moffitt [John Moffett]² who resided in the County of York in the state of South Carolina he the said McElwee then and had resided from his youth in the said County or district of York in said state of South Carolina. The campaign immediately commenced under the direction of the said Colⁿ Neel against the disaffected citizens commonly called Torys.³ that during that campaign the troops commanded by the said Neel succeeded in taking a number of the Torys prisoners having found Colⁿ Fletcher [prob. Thomas Fletchall] who commanded the disaffected citizens called Torys in a cave with a number of his associates⁴ these prisoners were put under guard and sent off he does not recollect to what point he was then dismissed from the service but not discharged. afterward, in the year 1776 he again volunteered into the service of his country in the district of York in said state of South Carolina under the command of Capt W^m [William] Byers⁵ whose company was attached to the command of the said Colonel Neels regiment of Militia a Mr Watson [prob. Samuel Watson⁶] had command as a Major this campaign was directed against the Cherokee Indians during that campaign he was engaged in a bloody battle with the Cherokee Indians which was then called the black hole. he does not remember to have heard any other name for the battle⁷. This battle was fought in the month of August or September in the year 1776 as he well recollects that corn and beans and pumpkins were to be found in abundance during this bloody battle he had the misfortune to injure one of his ankles by a strain and on the following morning he was sent home with the wounded but not discharged. after which he was very often engaged in scouting parties against the Torys under the orders of the said Col Neel. who still continued to command the regiment in the said district of York aforesaid. during a long time sometimes under the direction of one sometimes under the directions of another officer but most generally under the

¹ Thomas Neel [1730-1779] was colonel of the New Acquisition (York Co. SC) militia. He was killed at the Battle of Stono or Stono Ferry [June 20, 1779]. He is sometimes confused with his son, Thomas Neel, Jr., also an officer who died March 6, 1781. Another son, Andrew Neel, was also a colonel and was killed at Rocky Mount [Aug. 1, 1780].

² John Moffett [c. 1742 – 1829] was an officer in the militia of the New Acquisition (York Co. SC). He apparently was a colonel after the Fall of Charleston (May 1780) refer to him as Col. Moffett. See, for example, [James P. Collins R2173](#).

³ Called the “Snow Campaign” Nov-Dec 1775

⁴ prob. Dec. 1775. According to Gordon, *South Carolina and American Revolution*, Fletchall was captured hiding in a hollow tree.

⁵ William Byers, c. 1730 – c. 1798 Captain in the York Co SC Militia. [William Byers S3112](#) was his nephew.

⁶ Samuel Watson 1731- 1810 rose to Lt. Colonel in the York Co. Militia. Not the same as [Samuel Watson S17187](#)

⁷ The fight at the Black Hole on the Tennessee R. Sept. 19, 1776. *Arthur Fairies' Journal* attached to the application of [Peter Clinton W9390](#)

direction and command of the said Capt Byers. he does not recollect to have been engaged in any battles with the torys but was frequently at the routing and taking more or less prisoners of the disaffected band of torys during the time of that service. he remembers that at the battle of the black hole aforesaid Gen^l Sumpter was there and had the command of one regiment this service in scouting parties continued for about two years. after which time having never received any discharge from any officer of said state of Carolina he again in the month of February in the year 1779. he again [sic] attached himself as a volunteer to a company commanded by Ensign W^m [William] Love⁸ upon whom the command devolved because the Captain W^m Byers was unable to take the command because of a sore leg. this company was attached to the regiment of militia commanded by the before mentioned Thos Neel he recollects well that the major commanding in said Regiment was by the name of Francis Ross⁹. this campaign was directed to the state of Georgia where the regiment was attached to the command of Gen^l _____ Ash [blanks in the original; Gen. John Ashe] on or about the first day of March in the said year of 1779. at a place called Bryor [Briar or Brier] creek bridge the same evening the regiment commanded by Neel as aforesaid was marched up said creek about twelve miles to another bridge on said creek being then verry near the british army. under the command of Cornwallace. the next day the regiment remarched to the camps of Gen^l Ash. not being able to make an effectual attack on the British army with a single regiment. the next day 3rd March the regiment was again ordered out by Gen^l Ash and was marched a distance of about sixteen miles to a Fort called Hudson. near that place our troops took sundry prisoners on the same evening the troops were marched back to the camp of Gen^l Ash. on reaching the camp sometime in the night it was discovered that Gen^l Ash during the day had been defeated by the British troops¹⁰, and at that time out of the command of Maj^r Ross the number of about twenty nine were taken prisoners and among them this declarant. the ballance of Majr Ross command escaped and dispersed in all directions. after remaining a prisoner in the British camp a day or two was marched as a prisoner to Savannah and put on board the ever memorable and celebrated prison ship called the Munificence then lying in the harbour at Savannah. all this last mentioned services were in the county or district of York in said State of South Carolina and occupied the space of one month. he states that he remained a prisoner on board said ship in said harbour deprived of common necessaries of life for the space of more than Eight months when he was exchanged at Savannah and delivered to the Gen^l commanding at Charlestown whose name was [Benjamin] Lincoln in a few days he reached home having been absent more than nine months afterwards in the year 1780 the state of South Carolina was infested with the British army and the Torys. Sumpter [Thomas Sumter] was elected general of the South Carolina Militia immediately after the Battle at Ramsour¹¹. he then in the month of July in said year enrolled himself in a company commanded by Capt John Moffitt whose company was attached to the command of Colⁿ W^m Brattan [William Bratton]¹². the troops were immediately marched down to Catabaw [Catawba] River and was engaged in the battle fought with Capt. Hook [Christian Huck] and defeated them this engagement took place in the month of august 1780¹³. where a number of prisoners were taken by the Whig party. a few days afterwards he was again engaged against the Torys and every man of the company was taken but himself¹⁴. In making his escape at that time he crippled one of his feet and returned home he did not recover from this injury untill after Fergesons defeat¹⁵ and untill near about six months. having been engaged about in the two last mentioned campaigns several months the exact time

⁸ William Love, as ensign, was the third (or fourth ranking officer in a militia company. He may have been captured at Brier Creek.

⁹ Francis (Frank) Ross d. 1779 at an engagement called Oconee or Little Spirit Creek. He rose to major in the York Co. SC militia

¹⁰ Battle of Brier Creek or Ashe's Defeat, March 3, 1779

¹¹ Ramsour's Mill June 20, 1780

¹² William Bratton 1743-1815 rose to colonel of the York Co SC militia

¹³ Huck's Defeat or Williamson's Plantation July 12, 1780

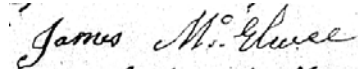
¹⁴ possibly Fishing Creek August 18, 1780

¹⁵ Kings Mountain Oct. 7, 1780

he cannot recollect. he states further that in the year 1781 he was in Washington County in the State of Virginia in the month of February. he enrolled himself in a company of militia commanded by Capt Daisy who was under the command of Colonel William Campbell who was attached to the command of Gen^l Green he there served one tour of duty the time he does not recollect. the troops were dismissed and he returned to South Carolina York district having received no written discharge afterwards in the month of March 1782 he was drafted into Capt Meeks [prob. James Meek]¹⁶ company of militia which was attached to the regt. commanded by Majr James Wallace [Major James Wallace]¹⁷ the troops were marched to Orangeberg and there stationed to guard that village and to keep the Torys from falling on Gen^l Greens rear and baggage & where he remained the space of two months when he was discharged and returned home he states that he cannot say how long he was in the service of his country at the different times. nor has he here set forth all the services he rendered, the time of actual service including the times on board the prison ship was more than two years. he states that he never received at any time from any officer any evidence of services or regular discharge in writing that he remained in said District of York in South Carolina ever since the war of the Revolution untill the month of March 1832 when he removed to this county (Pike County Missouri) where he now lives, that there is no person living in the state of Missouri except Sam^l Watson Sen^r¹⁸ by whom he can prove actual service that is known he states that there is no preacher or minister of the gospel in this country by whom to prove his credibility having but recently settled here. and is therefore compelled to rely on others who have known him by character many years. and in answer to Questions propounded by the said court, he doth solemnly swear that he was born in the state of virginia in the year 1758. Question Have you any Record of your age. Ans My age is recorded in the family Bible and in sundry other Books. Ques Where were you living when called into service Where have you lived since the Revolutionary War and where do you now live Ans When called into the service I was living in the district of York in South Carolina I have lived in said District ever since the war until the month of March last. I now reside in the County of Pike in the state of Missouri. How were you called into service: were you drafted did you volunteer: or were you a substitute: I sometimes volunteered: at one time I was drafted I never was a substitute my declaration shows the manner of my going into service as well as if again repeated Ques state the names of some of the regular officers who were with the troops when you served. such continental regiments as you can recollect Ans I remember Gen^l Moultrie Col afterwards Gen^l Sumpter Capt E Polk Capt James Duff Lt. Sam^l Watson were he believes regular officers in that region these officers were stationed at Charlestown being the officers of a regiment of a Continental regiment stationed at that place Ques did you ever receive a discharge from the service and if so by whom was it given Answer I never received a written discharge from the service from any person Question State the names of persons to Whom you are known in your present neighbourhood who can testify to your character for veracity and their belief of your services as a soldier of the revolution. Answer Sam^l Watson Sen^r & John Watson

He hereby relinquishes every claim whatsoever to a pension or annuity except the present and declares that his name is not on the pensions of the agency of any state or (if any) only on that of the agency of the state of South Carolina.

James M^cElwee



Sworn to and subscribed this day and year aforesaid in open

Court before me Levi Pettibone Clerk

We Sam^l Watson Sen^r and John Watson residing in the county of Pike and state of Missouri Do hereby certify that we are well acquainted with James M^c Elwee who has subscribed and sworn to the above and

¹⁶ prob. James Meek 1758-1819 captain in the York Co SC militia.

¹⁷ prob. [James Wallace S19145](#)

¹⁸ [Samuel Watson S17187](#); not to be confused with Col. Samuel Watson mentioned earlier in the application

foregoing Declaration. that we have known him the said James M^CElwee for more than fifty years having each of us lived in the district of York in the state of South Carolina in the same Neighbourhood with him. that we believe he is seventy four years of age. that he was then ~~and still~~ is reported and believed in the neighborhood where he resided in Carolina and in the neighbourhood where he now resides to have been a soldier of the Revolution and that we concur in that opinion:-- and I the said Samuel Watson Sen^r do further certify that the said James McElwee was a soldier in the same company to which I was attached, in the year 1776 towit the company commanded by Capt W^m Byers who was under the command of Majr Watson [Samuel Watson] who was commanded by Col Neel [Thomas Neel] as is set forth in this the said M^CElwee's Declaration. that I was with him at the battle of the black Hole as described by him in his Declaration that I well know of his having rendered important services on that occasion. I further certify that I distinctly remember the injury he received in his ancle by a strain and that it was on that account that he was sent home with the wounded.

And I the said Sam^l Watson Sen^r do further certify that I was attached to and belonged to the same company with him the said M^CElwee at the Hooks defeat towit the company commanded by Captain Moffit [John Moffett] this company was attached to the command of Col William Bratton and was in the engagement with Hook some time in the month of August 1780¹⁹ [Huck's Defeat was July 12, 1780]. and I the said Samuel Watson Sen^r do further certify from my knowledge and acquaintance with the said James M^CElwee in the days of the Revolutionary war from the difficulties that actually existed in that region and from what was then and still is the character of the said James that he rendered the services set forth in his said Declaration tho I have no personal knowledge of his having rendered any other services than those I have stated above. I am aged seventy eight years and tho my body is fast decaying I have a perfect recollection of the facts above stated. This much I know and always understood that he the said James was always willing to do his duty and I believe did do and perform his equal share of the services in that day.

Sam^l Watson Sen^r
his
John (X) Watson
mark

Subscribed and Sworn to in open Court this September
26th A.D. 1832 before me Levi Pettibone Clerk Circuit Court--

[James McElwee received a pension of \$76.66 for 23 months as a private in the militia on May 28, 1833 commencing March 4, 1831]

[p 55]

[On April 27, 1848 Rhoda McElwee of Cuivre Twp Pike County, Mo aged 71 applied for a pension under 1848 law stating that she was the widow of James McElwee a Revolutionary pensioner and that she remained a widow.]

[p. 14. Nov. 10, 1853 Dan McElwee age 47 the son of James and Rhoda McElwee applied in Pike Co., MO for pension due his mother as widow of the revolutionary pensioner James McElwee. His parents were married in Abbeville District SC in 1791, James McElwee died in Pike Co, Missouri , January 13, 1834 and Rhoda McElwee died in Pike County Missouri August 22, 1848. Surviving Children of Rhoda McElwee were Dan McElwee, James McElwee, Ann McElwee, Ross McElwee, Mary McElwee, Elizabeth Mc Elwee, and Abner McElwee and Rhoda McElwee.]

[p.17 The following family information in the file is undated but may be associated with the application of Dan McElwee on Nov. 10, 1853

¹⁹ Huck's Defeat was actually July 12, 1780.

James Mc Elwee b. Aug. 19, 1753

Ann McElwee b. April 1, 1795
James McElwee b. Sept. 17, 1802
Dan Mc Elwee b. May 2, 1806
Rhoda McElwee b. June 8, 1808
Ross McElwee b. May 20, 1809
Mary McElwee b. July 9, 1812
Abner McElwee b. Jan. 6, 1814
Elizabeth McElwee b. Oct. 1, 1817]

[p.39 In 1854 James Jordan testified that he recalled the marriage of James McElwee and Rhoda Black took place in 1793, when she was 16 or 17, and that it was at least 16 months before the birth of their first child. He stated that his brother James Jordan²⁰ served in the revolution with James McElwee.]

[p. 23 On May 11, 1854, a widows pension granted to (the surviving children of) Rhoda McElwee commencing March 4, 1843 at 76 dollars and 66 cents per annum.]

South Carolina Audited Accounts²¹ relating to James McElwee (McIlwee)
Audited Account No. 5036A

pp 50

Transcribed and annotated by Will Graves

4/23/24

[p 13]

The Petition of James McElwee praying Compensation for property lost in the Revolutionary War

[p 14]

To the Honorable the President of the Senate
The Humble petition of James McElwee

Sheweth that he served in the Revolutionary War in its Company of mounted Infantry in the Militia of this State under the Command of Capt. William Byers in Col. Thomas Neal's [Thomas Neel's] Regiment, under the command of Major Francis Ross. That he was taken prisoner at Ashes defeat, on Brier Creek on the 3rd March 1779²² and kept a prisoner with the enemy 9 months: That his horse, Saddle, Bridle, gun and Tomahawk, were taken from him and kept by the enemy; that this horse was at that time were worth fifty dollars in the Saddle, bridle, gun and Tomahawk, were then worth Thirty five dollars. That he never has received any Compensation for the said property or any part thereof but thinks himself justly entitled to it.

He therefore prays that the Said Claim with interest may be allowed him.

James McElwee

[p 15]

Commissioners Office 2nd October 1793

²⁰ [James Jordan S32346](#)

²¹ The South Carolina Audited Accounts (AAs) are now available online at <http://www.archivesindex.sc.gov/>. To find the AA for a specific person, click on the [Just take me to the search page](#) link, then enter the person's surname first in the "Full name" box followed by a comma and the person's Christian name. The number behind the 'pp' indicates the number of pages in the file and the 'Audited Account No.' is the actual Account Number assigned by the South Carolina Archives.

²² Briar Creek March 3, 1779 <http://www.myrevolutionarywar.com/battles/790304-briar-creek/>

We Certify that James McElwee had an Account in this office for two horses lost, one at General Sumter's defeat & one at Briar Creek at General Ashe's defeat – That for the horse lost at Sumter's defeat a Certificate was granted him – the 30 June 1792 for eleven pounds Eight Shillings & Seven Pence But the Claim for the horse lost at Ashe's defeat was rejected – But the Accounts were transmitted to Philadelphia to Substantiate the Sum of Eleven pounds 8/& seven pence paid him by this State

A. Vanderhorst [Arnoldus Vanderhorst]
John Lewis Gervais Commissioners

[p 17]

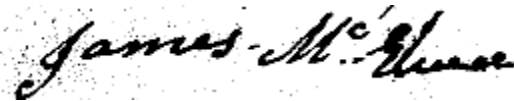
South Carolina York District }

To the Honorable the Speaker and other members of the House

The Humble petition of James McElwee Sheweth unto your Honorable body that he served in the Revolutionary War in a company of mounted infantry in the militia of this State, under the Command of Capt. William Byers in Col. Thomas Neal's regiment under the Command of Major Francis Ross that he was taken prisoner at Ashe's defeat on Brier Creek the 3rd March 1779, and kept a prisoner with the enemy nine months: that his Horse, Saddle, bridle, gun and Tomahawk were taken from him and kept by the enemy; that his Horse was worth at that time fifty dollars and the Saddle, bridle, gun and Tomahawk were worth thirty five dollars more, that he never has received any Compensation for said property, or any part thereof but thinks himself justly entitled to it.

He therefore prays that he may receive the above Sums of money with Interest and as in duty bound will ever pray. November 1st 1822

James McElwee



South Carolina

York District } personally came James McElwee and saith on oath that the facts contained in the above petition are true

James McElwee

Sworn before me

1st November 1822

John Henry, Q. U.

South Carolina

York District } Personally [appeared] William Love Esquire and on Oath saith that at the battle of Briar Creek he was the Lieut. of the Company in which the above named James McElwee was [undeciphered word], and on that day commanded, the Captain being absent, that he knows the facts of the above petition as to the petitioner's being taken prisoner and the loss of property are true.

Sworn before me 1st November 1822

John Henry, Q. U.

Wm Love, Lieut.



[pp 19-20: duplicate of petition and Love's supporting affidavit as transcribed above except these addressed to the SC Senate and dated October 30, 1822]

[p 22] [December 5, 1822]

The Committee on Claims to which was referred the petition of James McElwee praying compensation for property lost, in actual service, during the Revolutionary war.

Beg leave to report that they have had the petition and documents under consideration. And in conformity with the repeated decisions of the house, not to pay for property lost during the War – respectfully recommend that the prayer of the said petition be not granted

J Thomas Carr, Chairman

[p 24]

The Committee of Claims to whom was referred the Petition of James McElwee praying compensation for property lost &c in the Revolutionary War – beg leave to report

That the Petitioner has proved to their Satisfaction that he was made a Prisoner at Ashes defeat at Briar Creek and that he lost his Horse, Saddle, Bridle, Gone & Tomahawk, worth Together Eighty five Dollars. They would therefore (as it appears that he has never received any compensation therefore) respectfully recommend that he be allowed Eighty five Dollars with the Interest thereon at 3% from the year 1733 [sic, 1793]

December 3rd, 1824

John K Griffin, Chairman

[p 32]

The State of South Carolina York District

To the Senate & House of Representatives of the said State.

The petition of James McElwee Sheweth that he was a soldier of the Revolutionary War in the militia service of this State and faithfully discharged his duty as such from the commencement until the conclusion of the war. That during the period of his Service he had been ordered into Service as a mounted militia man in March 1779 under the command of Major Francis Ross during the tour of Service and at the defeat of General Ashe at Briar Creek Your Petitioner was taken prisoner & so remained for nine months. That on this occasion his horse and equipments were taken from him by the enemy and he never regained the said horse or his equipments but the Same were wholly lost to him. That before entering this service his horse was appraised by persons appointed for that purpose at Eleven pounds seven Shillings and eight pence farthing equal to fifty Dollars. That after was your petitioner was again ordered into service as a mounted militia man under the command of General Sumter in the year 1780 – That during this term of Service your petitioner lost his horse which was taken by the enemy he himself escaping with some difficulty. That after the conclusion of the war your petitioner presented his claim for the loss of his two horses which claim was investigated by the commissioners appointed for that purpose and your petitioner received an Indent order on the Treasury for the value of one horse & for that which he lost in 1780, and was informed at the same time that the reason for not admitting the claim to the amount of the value of both horses was that there was not at that time sufficient evidence to substantiate his claim for the horse lost at Ashes defeat. Your petitioner further Sheweth that he This Indent until some years past without applying for payment thereof. About the year 1822 he petitioned your body for the

payment of the said Indent and at the same time for the value of the horse lost by him [in] 1779 and accompanied his petition with an Indent and also with the affidavit of the Ensign of the company in which he served proving the loss of the horse at ashes defeat in 1779 and his appraised value at Eleven pounds seven Shillings and eight pence equal to fifty Dollars. Your petitioner is informed that his petition was granted by the Senate but was for some cause was not acted on by the House of Representatives. Your petitioner has been informed by the delegation from his district that the said Indent has been lost or mislaid so that it cannot now be procured as has also been the case with the affidavit of William Love the Ensign proving the loss & value of his horse lost in Ashes defeat. And that the said William Love has since died and your petitioner is now unable to prove the Same facts as satisfactorily by any other now living. Your petitioner herewith submits the documents as far as he can procure them to establish the facts above set forth and prays the payment of the amount of the Indent so lost and interest thereon and also compensation for the loss of the horse at Ashes defeat & Interest on the value & your petitioner will pray &c

Jas McElroy

N. B. The Petition presented to the House of which this is a copy is Sworn to by the petitioner, and is also accompanied by the affidavits to Substantiate facts therein set forth. They can be had by the Senate when required W R, H

[Note: The balance of the documents in the file indicate several additional attempts to obtain compensation for the claim set forth above. It appears that the last of the petitions was ruled upon in December of 1832 and favored the payment of the claims. That said, there is no voucher in the file indicating that the claim was paid.]