

SERVICE

Va

★
Lirin James

NUMBER

S. 16365

carded

CONTENTS

16365
INVALID.

File No.

16365

James D. Dineen
Design for

Act:

June 7th 29

Index:—Vol.

CA, Page *97*

[Arrangement of 1870.]

Kentucky 4912

James Divin

Lincoln in the State of Ky:
who was a En: in the confy commanded

by Captain Brewer of the Regt commanded

by Col Boyd in the Va:

line for 1 year from

Inscribed on the Roll of Kentucky -
at the rate of 120 - Dollars - Cents per annum
to commence on the 4th day of March, 1831.

Certificate of Pension issued the 30 day of Jan: 32
and sent to Hon R.P.
Satcher, House of Reps.

Arrears to 4th of Sept 1832 180
Pemi-anl. allowance ending 4th March 33 60

240

{ Revolutionary Claim,
{ Act June 7, 1832.

Recorded by Nathan Rice Clerk
Book 2 Vol. 6 Page 36-

BRIEF objections to the admission of Pension Claims, of which those answered in the negative, in red ink, will apply to the claim of *James Devin* which require further proof or explanation.

I. Does the declaration show where the applicant resides?

II. Did the declarant make the declaration in the county where he resides?

III. If the applicant did not make the declaration in the county where he resides, is there any reason assigned for his not doing so?

IV. Has the declarant mentioned the period or periods of the war when he served?

V. * Has he mentioned with precision the length of his service, and the different grades in which he served, in language so definite as to enable the department to determine to what amount of pension he is entitled?

No
The different terms and their length should be stated, an allowance can be made for the time only in which the claimant was in actual service.
VI. Has he given the names of the officers under whom he served, in conformity with the regulations?

VII. Has he made a relinquishment of every claim to any other pension than the one under the Act of June 7, 1832?

VIII. Has the Court given their opinion?

IX. Has the Clerk given his certificate?

X. Is the Clerk's seal affixed? And if so, has it a device or inscription by which it can be distinguished from any other seal?

XI. Has the applicant obtained the evidence of a clergyman and another respectable citizen as to their belief respecting his age and the general belief in his neighborhood relative to his revolutionary service?

two citizens, one of them a witness

XII. If the clergyman's affidavit has not been produced, is there any reason assigned for not obtaining it?

XIII. If the applicant has no documentary evidence, and has not obtained the testimony of at least one living witness, has he stated in his declaration that such proof cannot be had?

XIV. † If the applicant has produced a witness or witnesses as to his service, has the magistrate who administered the oath certified that he, she, or they are persons of credibility?

Has the official character and signature of the magistrate been certified by the proper officer under his seal of office?

XV. Does it appear from any of the papers that the witness was in such a situation, or of such an age, as to have a personal knowledge of the applicant's service?

XVI. † Are the papers authenticated as the regulations direct?

XVII. Are the seven interrogatories prescribed by the War Department answered satisfactorily? And, if not, which of them is not so answered?

1, 2, 3, 4, 5, 6, 7.

EXPLANATORY NOTES.

* QUERE V. In a case where the applicant cannot, by reason of the loss of memory, state precisely how long he served, he should amend his declaration by making an affidavit in the following words:

"Personally appeared before me, the undersigned, a Justice of the Peace, &c. A. B. who, being duly sworn, depose and saith, that, by reason of old age, and the consequent loss of memory, he cannot swear positively as to the precise length of his service, but according to the best of his recollection he served not less than the periods mentioned below, and in the following grades: For _____ year _____ months and _____ days, I served as a _____. For _____ months and _____ days, I served as a _____; and for such service I claim a pension."

It is important in all cases to determine with precision the period for which the applicant served, and the particular rank he held, as the law directs the pension to be paid according to the grade of the pensioner and the length of his service. The use of the phrase *about three or four months* is too indefinite, and all such qualifying expressions are objectionable.

QUERE XIV. *Proof of Service.*

In a case where the name of the applicant is not found on the records of the Department, he must prove his service by two credible witnesses, who are required to set forth in their affidavits the time of the claimants entering the service, and the time and manner of his leaving the same, as well as the regiment, company, and line to which he belonged. The magistrate who may administer the oaths must certify to the credibility of the witnesses, and the official character and signature of the magistrate must be certified by the proper officer, under his seal of office.

QUERE XVI. *Mode of authenticating papers.*

In every instance where the certificate of the certifying officer who authenticated the papers is not written on the same sheet of paper which contains the affidavit, or other paper authenticated, the certificate must be attached thereto by a piece of tape or narrow ribbon, the end of which must pass under the seal of office of the certifying officer, so as to prevent any paper from being improperly attached to the certificate.

\$120 per ann

John. R. P. Littlewood. M.D.

Should consent to waive for the present on the
part of the applicants all claim for Pension
except for twelve months as an ensign.

I believe applicant is a man of good character
in his neighbourhood and I know to Hall
his witness is a gentleman of good standing
for truth and honesty.

R. P. Littlewood

Declaration in order to obtain the benefit of the
Act of Congress passed June the 7th 1832

State of Kentucky
Lincoln County, Tench

On the 24th day of September 1832, personally appeared in open Court before the Justices of the
County of Lincoln County, were Henry James Devin, a resident
of the said County of Lincoln in the State of Kentucky aged
eighty four years who being first duly sworn according
to law, doth in his oath make the following declaration
in order to obtain the benefit of the Act of Congress passed
June 7th 1832.

That he entered the Service of the United States
under the following named officers and served as herein
stated. He states that he was an Ensign in Capt. Brewster's

Company of Virginia Militia and was called into service
as an officer of that grade he was commanded by General
Greene and if he is not mistaken, his Colonel's name was
Boyd but will not state that he was under Boyd any length
of time if at all. He thinks he served more than six months
his term but he memory is so much impaired by age he can
not be positive. He states that he entered the Service in
Petersburg County Virginia being at that time a resident
of that County. He cannot recollect the year but it was some
time before the surrender of Fort Mifflin. He thinks he was
discharged in Bedford County Virginia at which time he was
commanded by Col. Perkins. He states he was in no battle
during this Campaign but the battle of Guilford was fought and
before he was discharged and he should have been in the
battle he expects but he was sent after some troops that
had been sent and in that way missed the battle.

He further states that he entered the Service again as
a Militia man from Petersburg County Virginia and was

in service during the ^{late} ~~late~~ of twenty six; that he was an
Ensign and, called in to service as such. He states that he
was not in the siege having been sent with some Prisoners
to Albemarle in Virginia. If he is not mistaken this was
also a campaign of six months and he was again discharged
in Portland having delivered the Prisoners to Col. Calhoun.
He states that he has lost his discharge and has no documentary
evidence of his service.

He further states that he was several campaigns
against the Indians during the Revolutionary War. He was
under Col. Landon, the other officers he does not recollect
nor can he state by whom he was discharged from service.
As the length of time, nor can he state the time
called in to service or the time he left it. He must have his
memory become weakened by age and infirmity.

He thinks in all he served two or three years.

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

Witness his hand and subscribed the day and year
above said.

his
James Linn
Rank

~~Samuel Duncan residing in the County of Lincoln~~

We Samuel Duncan and Joseph Hall residing in the County of Lincoln and State of Kentucky hereby certify that we are well acquainted with James Linn who has been described and sworn to the foregoing declaration and we believe him to be eighty four years of age, that he is white and believed in the neighborhood where he resides to have been a slave of the said Linn and that we concur in that opinion - And the said Samuel Duncan further states that James Linn to his knowledge was at one time a slave of the said Linn during most the term of the life of said Linn. He states that he was in the life and believed the said Linn as a slave was a discharge of Persons from return to the said Linn he is not able to state - the said Linn and the applicant lived in the same County Rhode Island in 1850 and he believes that Linn is not a slave in Europe but he is unable to state the time of his discharge. He states that Linn and himself were together on the March towards Kentucky and upwards of one hundred miles.

Sworn to and subscribed the day and year aforesaid

his
Samuel Duncan
witness

Joseph Hall

