

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

Pension Application of William Baxter S6591

Transcribed and annotated by C. Leon Harris

State of Virginia } SS

County of Brooke }

On this twenty seventh day of August, 1832, Personally appeared in Open Court, before the Justices of the county court of Brooke, in the State of Virginia, now sitting, William Baxter, resident of the same County and State, aged seventy four years past, 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 the 7th June 1832.

That he entered the service of the United States, under the following named Officers, and served as herein stated. In the summer of the year 1776 this declarant volunteered and served as a Sergeant Three months in the Militia, under the command of Captain Isaac Cox, Lieutenant David Steel [David Steele], and Ensign George Cox [pension application S9203]. This company was composed of drafted militia and volunteers, and were stationed at Holidays cove then on the frontiers of the Ohio river. Holidays cove is situated near the mouth of Marmon's creek [Harmon Creek], and now in Brooke county, Virginia [now Hancock County WV]. The militia company were generally taken from that part of the then called Youghegeney [Yohogania County] Va. now Washington County, Pennsylvania, to cover the frontier, and scouted and ranged along the Ohio river, during their term of service. In the month of October or November 1776 discharged at Holidays Cove, and immediately enlisted as a Sergeant for the term of three years, or during the war, in the regular army of the United States, with the above named Lieutenant David Steel, who, as Captain commanded the Company to which declarant afterwards belonged. Major Symmes and Colonel John Gibson commanded the Regiment (the thirteenth, Virginia line). From Holidays cove was marched to Fort Pitt [at present Pittsburgh], and joined our Regiment. Remained a few weeks at Fort Pitt, and was ordered to a place on the Ohio river about 35 miles below Pitt [probably meaning downstream on the Ohio River], called Baker's Station, under the command of Captain David Steel, whose whole company were stationed at that place for nearly three months; when we returned to Fort Pitt remained at that place about two months, at which time orders were received to march the regular enlisted soldiers then there, to the main army in the Eastern part of the states, at which order many of the soldiers were dissatisfied; complained that they had enlisted to serve in the Western Country and protect their own frontier, and a good many deserted; on which Col. Gibson sent scouting parties in pursuit of the Deserters – in one of which parties was Joseph Fowler [pension application S39530] (whose testimony is hereto appended) then belonging to the same company with Declarant, and was, and has been for many years past, a Revolutionary pensioner of the United States, and residing in the same county with declarant. Some deserters were captured, and Col. Gibson issued orders that all other deserters that would return to their duty would be received and pardoned. That brought in a number more of the Deserters. From Fort Pitt, in the last of June 1777 we marched under the command of Major Symmes with the greater part of Col. Gibsons (the 13th) Regiment, Eastward; when on the last day of June, or beginning of July, and at a place then called Bedford, now Somerset county, Pennsylvania, Declarant obtained permission to call at the house of his uncle, Col. Richard Brown; and being desirous to return to the Western country, a friend of his (one James Wells) who had an indentured Irish Servant, who had to serve about fourteen months – proposed that if Declarant would himself work out the time the said Servant had to serve, that his indentured servant might be taken as a Substitute in the place of Declarant – with which terms Declarant complied. The Substitutes name is John Riley, and at the time Declarant procured the said Substitute, he presented him to his commander and Major Symmes, who accepted the said Substitute in the place of the said Declarant and gave to said Declarant a written Discharge and Acquittance from his enlistment, and which Discharge Declarant, after diligent search, is unable to find. Declarant served as a

Sergant during his enlistment with Capt. Steel. and this declarant is perfectly satisfied that the said Substitute served as a regular soldier, in the Army of the revolution, until the conclusion of the war, Agreeably to the original enlistment of declarant, for about the time the war had ceased, declarant personally saw and conversed with the said Substitute (John Riley) at the fort at the mouth of Wheeling creek, on the Ohio, and there under the command of Capt. Benjamin Biggs.

After having served out the time for which his substitute was indented [sic], Declarant returned to the Ohio river, in or about the month of December 1778, and afterwards frequently volunteered, for several days at a time, in Scouts after Indians.

In the fall of the year 1781 Declarant volunteered and served about one month, under the command of Col. David Williamson, on an expedition against the Indians, at their Delaware towns [in Ohio]. We came on a number of Indians, by surprise, and captured Ten or Twelve of them, who were conducted to Wheeling Fort, and there, as Declarant was afterwards informed, to Fort Pitt.

In the month of March, 1782, Declarant again volunteered on an expedition into the Indian Country, against the Indians, under the command of Col. David Williamson. A skirmish took place, and about ninety three Indians were killed [96 peaceful Delawares murdered, Gnadenhutzen OH, 7-8 Mar 1782]. It was the practice on such expeditions, for the militia, after they rendezvoused, to elect their officers, and Declarant served as a volunteer Lieutenant, in the expedition last mentioned. On this expedition Declarant served one month – making his whole time of service in the revolutionary war, Thirteen months, exclusive of many days employed with Scouting parties. And for the last two months service, on expeditions, Declarant furnished his own Arms, Ammunition, Horse and provisions, and for which he has never received any compensation nor any written documentary evidence.

[The following sentence marked “omit”] 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 agency of any state. Sworn to and subscribed, the day and year aforesaid [signed] William Baxter

State of Virginia } SS.
County of Brooke }

At a court holden for the county of Brooke in the State of Virginia, on Monday the 31st day of December 1832, personally appeared William Baxter, who on the 27th August in the present year, made a Declaration on oath, in order to obtain the benefit of the Act of Congress, passed June 7th 1832, and which declaration has been returned to the Clerk of this court, to be amended. And the said William Baxter this day appearing in open court, and after being duly sworn according to law, doth on his oath say, that he served as a Sergant in the war of the revolution, namely, three months, as a volunteer militiaman, under Captain Isaac Cox; Eight months in the regular army, as an enlisted Sergant, under Captain David Steel (who was declarants Lieutenant, when under Capt’n Cox) in Col. John Gibson’s Regiment (the 13th) of the Virginia line, on the Continental establishment; one month as a volunteer, private, under Col. Williamson’s command in the Indian country; and one other month as a Lieutenant under the said Col. Williamson, also against the Indians, making his service for which he now claims a pension, thirteen months; Eleven of which he was a Sergant, one month a private volunteer and one month a Lieutenant in a volunteer expedition.

This Declarant avers, and the court certified to the fact, that all the interrogatories (seven in number) were put to him by this court and satisfactorily answered at August term last; It is however objected that the 1. 2. 5. & 7th are not answered in his Declaration, and he now distinctly answers each these:

To the first, He answers that he was born in Baltimore County in the then colony of Maryland, on the 18th day of April 1758, and is now seventy four years of age, past.

Second. He has no record of his age – the information he received, as to his age, was from his parents.

Fifth. The names of the regular officers that were with the troops when he was in service, are

stated in his annexed declaration. He knew of none others, for the Regiment to which he belonged had not joined the army when he was discharged in Bedford County, Penn'a. During the times declarant served in the militia, there were no regular troops or Officers present.

To the seventh. Declarant answers that he named two of the most respectable citizens of Brook county, namely, Captain George Cox, who is now between Eighty and ninety years of age, and who has known and resided in the neighbourhood of Declarant since the year 1776, and the late Honorable Philip Doddridge, whom declarant has known since Mr. Doddridge's infancy, and to whom declarant was a relative. These two persons most willingly signed and swore to the character of declarant. But Declarant afterwards understanding that a Clergyman was required to certify on his behalf – at November term last of this court, The Rev'd. Edward Smith signed and swore to such certificate, and it was forwarded, as declarant is informed, to the War Department, immediately afterwards

Sworn and subscribed the day and year aforesaid.

[signed] William Baxter

[Although Indian Spies were explicitly included in the pension act of 1832, the Commissioner of Pensions, Col. James L. Edwards, was persuaded by District Attorney Washington G. Singleton in 1834 to disallow claims for such service. (See discussion with my transcription of the application of David W. Sleeth, S6111.) The following letter relates to the suspension of the pensions of Baxter and others for that reason.]

Wellsburg, Brooke County, Va. Aug't. 8th 1835.

Sir [Edwards] Your letter of the 27th ult[im]o to Mr Kuhn Clerk of this county was handed to me on the 31st by Mr Kuhn that the persons therein mentioned might be notified of the decision of the War department relative to their pensions; Mr. Kuhn knowing that all the pensioners in this county employed me as their Agent. Your three letters of the 28th were also given to me on the 2nd Inst. To the one relative to Thomas Peterson [pension application S5899], I have to inform that Mr. Peterson died on the 27th Ult. and as no renewal of certificate will be necessary, the original will be surrendered on application at Richmond for such ballance of pension as you may judge Mr. Peterson was entitled to from the time of the last payment as withheld, until the day of his decease.

Samuel Corey [S9194] lives about thirty miles from here, in the extreme upper part of this little angular county – he shall be notified of your desire.

William Baxter: I was present when this man was reexamined [by Singleton, report not found], and his statement then was nearly the same as that given in his original declaration, by which he was placed on the pension roll; and permit me to say that I think his case is not fully understood at, or explained to, your department. You object that his pay as an Indian fighter cannot be allowed, it having been a mere domestic police to protect themselves from the Indians, whom they had driven from their hunting grounds, and made settlements thereon. No part of Mr. Baxters statement will warrant this conclusion. He never obtained land by what is called "a settlement right" – he stated that his brother had obtained such, but that his improvement was six or seven miles from the fort at which William Baxter did duty. You observe that Mr. Baxter's "service under Colo Gibson, in Capt. Stell's company, must be sustained by proof – and that no such Captain is found on the Virginia State Rolls, as serving under Col. Gibson, neither is the name of Mr. Baxters substitute found (John Riley) whom he says, served during the war." Baxter said that on the day of the termination of his service under Capt. Cox, at Holidays Cove, he enlisted with David Steel, who had been Coxes Lieut. and who then was to receive a Captaincy on his enlisting a certain number of men. Steel acted as captain whilst Baxter remained in service. The substitute Riley, Baxter affirmed to have seen at Wheeling fort a short time before the termination of the War, in Capt. Benjamin Biggs company. Further: "Joseph Fowler, one of the witnesses, says, that he served in the same Reg't and company with Baxter, was ordered to the Westward, and Baxter to the east. And yet it does not appear that Fowler has ever thought himself |entitled| to a pension – his name not being found

upon the list of applicants allowed still residing in Va." Strange from the Pension Bureau! Baxter states that he enlisted for three years or during the war, as did Joseph Fowler – Baxter found a substitute – was discharged, and Fowler continued. The latter I know to be fact, for I obtained for him his continental bounty land; and as to pension – Fowler was one of the first to apply for, and receive the benefit of the pension law of 1818, and continues, half yearly, to receive at the rate of eight dollars per month. And this same William Baxter was the witness that proved the enlistment and part of Fowler's service. Permit me to add that in the list I have of the officers of the sixteen Virginia Regiments who received land bounty in Ohio & Kentucky, I find the names of "Captain David Steel having received 4,000 acres, and Colo. John Gibson 7,666 acres." I presume these are the Officers mentioned by Fowler & Baxter.

I am satisfied, Mr. Edwards, that there is some misunderstanding in cases of militia service performed on the Ohio frontier during the revolutionary war, and from my knowledge of facts that happened afterwards, I am convinced your department has not been furnished with all the local information necessary to distinguish between those that did Military duty under legal requisition, and those that remained to protect their settlement rights. A great part of this Country was obtained from the Royal government by actual settlers, and by grants for Military Service. The actual settlers had the priority of choice, for the then government was desirous to make strong permanent settlements on the line of the eastern borders of the Ohio river, hence many persons from the strong inducements offered by government, became residents of this section of the country, previous to the war of the revolution, on the commencement of which, the Ohio river became the American frontier boundary against the British Indians. When war commenced, the American government found the eastern border of the Ohio inhabited by a hardy population, and it was the interest of government to protect that border – not that it had given, and therefore bound to protect the grants of land to actual settlers, for these were obtained before the war took place – but that the settlers, if properly supported, would continue to be a line of defence and security to the internal eastern settlements. The present applicants for pension, from this county, could not therefore be said to have "driven the Indians from their hunting grounds and formed thereon actual settlements" – No Indians resided or hunted, at the commencement of the revolution, on the east side of the Ohio river, and no land could be obtained on the west side of it, by actual settlement.

From the questions asked by Mr. Singleton about officers being commissioned &c (and I with pleasure do that gentleman the justice to say, that he acted most candidly and honourably in his examination of the pensioners) and from your observation that the service of Baxter (and I presume of Cox, Rodgers [Abraham Rodgers, S6026] and McIntire [Robert McIntire, S5743]) was a domestic police to protect themselves from the Indians, whom they had driven from their hunting grounds, and made settlements thereon" I beg to say that these men attested that they were drawn into service at the request and command of the govern't.; that they received their provision and ammunition from Gov't. and when their time of service to govern't. expired, were discharged by what they considered Government Officers. They would not have done such duty, but from a belief that they were obeying Govern't. orders; they were not protecting their settlement rights – for they had none to protect. Many private forts were in the country (such as Wells', marshel's, Doddridgs &c) back of the public ones on the Ohio; these were governed by domestic police and were no ways supported by either arms, ammunition, provisions, officers or men by the public – they were places of safety for the settlers and their families when the Indians made incursions into the country.

I was about to state many facts within my own knowledge, of calling out and officering the Militia, by County Lieutenants, until the year 1794 – but my letter is already too long – and these with other facts will be stated to Congress, should the pension Office continue to withhold the pension from those in this county to whom it has been granted, and who have committed no fraud or untrue statement in the procurement of it. In this I do not include John Sherman [S7503] and Thomas Hutson [S5447] – they are men with whose character I am personally unacquainted.

I am, most respectfully,
Your most obd't. Serv't. W. McCluney