

ISAAC McHENRY.

APRIL 25, 1840.

Read, and laid upon the table.

Mr. HAND, from the Committee on Revolutionary Pensions, submitted the following

REPORT :

The Committee on Revolutionary Pensions, to whom was referred the petition of Isaac McHenry, report :

That the said petitioner claims for services in the Revolution as Indian spy—but, aside from his own declaration, your committee think the proof of service altogether insufficient. Besides, your committee have doubt whether the services, if proved, are of that kind within the scope and equity of the pension laws.

The committee think the prayer of the petition should not be granted.

To the Senate and House of Representatives of the United States in Congress assembled :

Your petitioner, Isaac McHenry, of the county of Putnam, in the State of Ohio,

RESPECTFULLY REPRESENTS :

That he served as an Indian spy in the Revolutionary war, as stated in the accompanying papers, which are copies of his application to the Pension Office for a pension ; and copies of the correspondence of the department in relation to his said application. The said papers marked A, B, C, and D, are hereby referred to, and made part of this petition. Your petitioner prays, that suitable compensation may be granted him, or a pension ; and, as in duty bound, he will ever pray.

ISAAC McHENRY,
by P. G. GOODE, his representative.

A.

I hereby certify that the accompanying pages, numbered from one to fifteen, inclusive, are truly copied from the originals in the Office of the Commissioner of Pensions, Department of War.

J. L. EDWARDS,
Commissioner of Pensions.

Be it remembered, that James L. Edwards, who has signed the foregoing certificate, is Commissioner of Pensions; and that to his attestations full faith and credit are and ought to be given.

In testimony whereof, I have hereunto subscribed my name, and caused the seal of the department to be affixed, on this seventeenth day of [L. s.] April, in the year of our Lord one thousand eight hundred and thirty-eight.

S. COOPER,
Acting Secretary of War.

STATE OF OHIO, *Putnam county, ss.*

On this thirtieth day of April, in the year of our Lord one thousand eight hundred and thirty-five, personally appeared in open court, before the Hon. George B. Holt, president judge of the court of common pleas, of the first judicial district of the State of Ohio, and their honors William Cochran, Esq., Silas McClish, Esq., and Henry Morris, Esq., his associates now sitting, Isaac McHenry, a resident of Putnam county, aforesaid, in the said State of Ohio, aged 72 (seventy-two years), on the 27th (twenty-seventh) day of December last, 1834, 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 June 7, 1832:

That he entered the service of the United States under the following-named officers, and served as herein stated. Some time in the month of March, in the year 1780 (seventeen hundred and eighty); but on what particular day of the said month of March (owing to the great lapse of time, and the advanced age of the said Isaac McHenry, the declarant, and the consequent failure of his memory), he cannot tell, he entered the service as an Indian spy, and served as first sergeant in Captain Alexander Maxwell's company of Indian spies, Lieutenant George Westfall, under the command of Major George Parsons, Colonel Benjamin Wilson, and General George Jackson, of the Virginia militia. In this company, and in the capacity above stated, he served until the first day of the month of November, then next ensuing, making seven months; when his said term of service ended, and he was dismissed; and, on the fifteenth day of the same month, November, in the year 1780 (seventeen hundred and eighty); he, said declarant, again, as a volunteer, entered the service in the same company in which he had served the said term, just above mentioned, as first lieutenant, for the term of two years, or during the war; and served out the term of two years, without intermission, as one continued term of service, which ended on the 15th day of November, in the year 1782 (seventeen hundred and eighty-two), making two full years' service when he was discharged, making the whole of his service two years and seven months; that, during all this term of service of two years, he had the same captain, Alexander Maxwell; he was first lieutenant himself; Major George Parsons, Colonel Benjamin Wilson, the first of the said term; but he resigned, and Colonel Henry Delea was appointed in his place, who was his colonel during the latter part of said term of two years, and General George Jackson, of the Virginia militia, was his general commanding officer; that he was a volunteer; that when he entered the service, in both the above terms, he resided in what was then Monongahela, now Randolph county, Vir-

ginia; that, during the above-named two terms of service, he was not in any general engagement or battle, but was frequently engaged in skirmishes; that the whole of the said two terms of service was performed in the aforesaid county (then Monongahela, now Randolph). The spy range included eight forts (all in said county, which was then very large), namely, Friend's, Wilson's, Westfall's, Cassidy's, Westfall's again, Crughe's, Headen, John Warrick's forts; all these forts were in the aforesaid county; and his duty was to pass round from one fort to another, and attend them all; that there were no continental regiments or companies where he served, as his company was in a detached situation; and, in consequence thereof, he cannot give the names of any of the officers of the regular army with whom he was acquainted; that there was one militia company stationed at the different forts alternately, above named, as a guard, on account of the increased danger from the Indians; this company was marched from the south branch of Potomac, under Lieutenant Pancake, and was commanded; after they came into the county of Monongahela, by Captain Joseph Friend, who was a resident of the county; that he received a commission signed by General George Jackson; and he also received a written discharge from his last term of service, which was given him by Colonel Henry Delea; and he also received a written discharge from his first term of service from Colonel Wilson; but that his commission and discharges were all subsequently destroyed by the Indians, who robbed his house in the State of Kentucky after his removal to that place; that he was born in Hampshire county, in the State of Virginia, on the 27th day of December, in the year 1763 (seventeen hundred and sixty-three); that he has a record of his age, at his residence in Putnam county, taken from his father's family bible; that since the Revolutionary war he has lived in the following places, namely: he removed from Virginia to Green county, Kentucky, he thinks, in 1786, and from Kentucky to Pickaway county, Ohio, in 1807, and resided there until about five years ago, when he removed to his present residence in Putnam county, where he now resides; that he names William Boman, Abraham W. Cochran, and Henry Foster, to whom he is known in his present neighborhood, who can testify as to his character for veracity, and their belief of his services as a soldier of the Revolution, whose certificate or deposition is hereto attached; he also states the name of Simon Cochran, a clergyman, of his vicinity, who will also certify to his character, for truth and veracity, and his belief of his Revolutionary services; he here states that all the above named persons reside in Allen county, which immediately joins Putnam, the county in which he resides, and one in his immediate vicinity, and among his nearest neighbors, and are the persons who have been the longest acquainted with him; this, with the additional reason that the part of the country in which he resides is so thinly settled, he has very few near neighbors in his own county, and there are persons with whom he has very recently become acquainted, is the reason why he has not named persons in his own county; and his residence is very near the line of Putnam county, adjoining Allen county. But he names Caleb Goskili, and Josiah Crawford, who reside in his own county (Putnam), who testify to his character for truth and veracity, and their belief of his services as a soldier of the Revolution; but he is not acquainted with any clergyman in his county whose name he can give; but has given the name of one in Allen county, whose affidavit is hereto attached; that he has no documentary evidence; and that he

knows of no person whose testimony he can procure, who can testify to his service. 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.

ISAAC McHENRY.

Sworn to and subscribed in open court, the day and year aforesaid.

DANIEL W. GRAY, *Clerk, pro tem.*

We, Caleb Goskili and Josiah Crawford, residing in the county of Putnam, hereby certify that we are well acquainted with the said Isaac McHenry, who has subscribed and sworn to the above declaration; that we believe him to be seventy-two years of age; that he is reputed and believed, in the neighborhood where he resides, to have been a soldier of the Revolution; and that we concur in that opinion.

CALEB GOSKILI,
JOSIAH CRAWFORD.

Sworn to and subscribed in open court, this 30th day of April, 1835.

DANIEL W. GRAY, *Clerk, pro tem.*

And the said court do hereby declare their opinion, after the investigation of the matter, and after putting the interrogatories prescribed by the War Department, that the abovenamed applicant was a Revolutionary soldier, and served as he states. And the court further certifies, that it appears to them that Simon Cochran, whose certificate and deposition are hereto attached, is a clergyman resident in the county of Allen; and that Caleb Goskili and Josiah Crawford, who have signed their certificates to this declaration, are residents in the county of Putnam, and are credible persons, and that their statement is entitled to credit.

I, Daniel W. Gray, clerk of the court of common pleas of the county of Putnam, do hereby certify that the foregoing contains the original proceedings of the said court, in the matter of the application of Isaac McHenry for a pension.

[L. S.] In testimony whereof, I have hereunto set my hand and seal of office, this 30th day of April, 1835.

DANIEL W. GRAY, *Clerk, pro tem.*

STATE OF OHIO, *Allen county.*

We, Simon Cochran, a clergyman, residing in the county of Allen, and in the immediate neighborhood of said Isaac McHenry, the above declarant, and William Boman, Abraham W. Cochran, and Henry Foster, who also reside in Allen county, and in the immediate vicinity of said Isaac McHenry, hereby certify that we are well acquainted with said Isaac McHenry, who has subscribed and sworn to the declaration hereto attached; that we believe him to be seventy-two years of age; that he is a man of credibility, truth, and veracity; that he is reputed and believed, in the neighborhood where he resides, to have been a soldier of the Revolution, and that we concur in that opinion. The above-named Simon Cochran, William Boman, and Abraham W. Cochran, say, that they have been acquainted with said declarant for more than twenty years, while he resided in Pickaway

county, Ohio; and the said Henry Foster says that he has been acquainted with said declarant for more than ten years; and the said Simon, Abraham W., William, and Henry, say that the said declarant has, within a few years last past, settled in his new habitation in Putnam county, just across the county line from these deponents, but they are among his nearest neighbors.

SIMON COCHRAN,
WILLIAM BOMAN,
ABRAHAM W. COCHRAN,
HENRY FOSTER.

Sworn to before me, Christopher Wood, one of the associate judges of the court of common pleas of Allen county, Ohio, this 27th day of April, 1835.

CHRISTOPHER WOOD.

STATE OF OHIO, *Allen county, ss.*

The within-named Simon Cochran, on oath, further states: that he has been acquainted with the said Isaac McHenry for from twenty-five to twenty-seven years; that he, this deponent, was a soldier of the Revolution, and was well acquainted with Colonel Benjamin Wilson, Colonel Henry Delea, and General George Jackson, the general commanding officers in the said declarant's declaration named, and he knows that the said commanding officers were, at the times named in said declaration, engaged in the service of the United States, in the places and at the times named in said declaration; that this deponent has, from the commencement of his acquaintance with said declarant, had several and almost constant conversations with him, said declarant, concerning his said services, and from his constant consistent relation of the facts, and from his own knowledge of some facts closely connected with the same, and from general reputation, he has no doubt whatever but that the account of said services, given by said declarant in his said declaration, is just and true; and that he, said declarant, was a soldier of the Revolution, as he has in his said declaration set forth.

SIMON COCHRAN.

Sworn to before me, Christopher Wood, one of the associate judges of Allen county, Ohio.

CHRISTOPHER WOOD.

I, Christopher Wood, one of the associate judges of the county of Allen, in the State of Ohio, do hereby certify that it appears to me that Simon Cochran, who has signed the foregoing separate affidavit, and also the foregoing certificate jointly with others, is a clergyman resident in Allen county, and in the immediate vicinity of said Isaac McHenry, the declarant; and that William Boman, Abraham W. Cochran, and Henry Foster, who have also signed the same, are residents of Allen county, and in the immediate vicinity of said Isaac McHenry, and are persons of credibility, truth, and veracity; and that their statement is entitled to full credit.

CHRISTOPHER WOOD.

STATE OF OHIO, *Allen county, ss.*

I, John Ward, clerk of the court of common pleas of the county of Allen, do hereby certify, that Christopher Wood, Esq., before whom the foregoing

deposition and acknowledgment appear to have been taken, was, at the time of making the same, and now is, an acting associate judge of the court of common pleas within and for said county, duly commissioned and sworn as such; to whose official acts, as well here as elsewhere, full faith and credit are due.

In witness whereof, I have hereunto set my hand and affixed my seal of
[L. s.] office, at Lima, this twenty-eighth day of April, A. D. one thousand eight hundred and thirty-five.

JOHN WARD, *Clerk.*

STATE OF OHIO, *Allen county, ss.*

Personally appeared, in open court, Isaac McHenry, of Putnam county, who, being duly sworn according to law, says, that in a declaration made and sworn to by him, at the last term of the Putnam county court, to avail himself of the benefit of the act making provision for Revolutionary pensioners, he stated that a commission issued to him from General George Jackson, to fill a lieutenantancy in the company to which he was attached; which, in the estimation of the department, for a reason assigned, is considered an objectionable feature in the declaration. Said McHenry states that such was the fact, according to the best of his recollection. A lapse of fifty years, so eventful as the last fifty years have been, it may be well supposed, may render his recollection imperfect of some of the minor events and the less conspicuous detail of that agitated period, when he cast himself into the dangers of the Revolutionary struggle. It may be that General George Jackson had no authority to issue such a commission; yet the recollection of said McHenry that he did, should not destroy his declaration, if said Jackson happened to act without authority. If affiant be mistaken, as to the commission having issued in the formal manner that he has stated in his declaration, it has arisen from the fact that said Jackson did sanction the election of said affiant, and gave him the requisite authority to act in the capacity alluded to. It might have been a mere verbal authority, or a sanction of the election of said affiant, expressed in a less formal manner than affiant stated in his declaration. If an apparent error or discrepancy has inadvertently crept into his declaration, he cannot but believe that, however rigid may be the rules by which the department is governed, now that he has aided to defend his country, and in the trying period of the Revolution came up to the aid of our infant republic; and standing on the close of that existence that has been so much identified with the existence of his country; the frailty of his memory (if such be the case) in relation to one particular fact, should not debar him from the enjoyment of that provision which was made for those who periled their lives in defence of the republic.

It is further objected, that affiant did not make application at an earlier period. It will be perceived, that affiant lived in Putnam county for five years; during that time said county was not organized. He lived remote from the county seat of the nearest organized county, and being poor, and much afflicted by a chronic affection, the melancholy result of exposure and privation in the earlier part of his life, he was prevented from making an earlier application.

ISAAC McHENRY.

Sworn to, and subscribed before me, in open court, this 10th day of November, A. D. 1835, as witness my hand and official seal.

JOHN WARD, *Clerk.*

STATE OF OHIO, 1st judicial circuit.

I, William L. Helfenstein, presiding judge of said circuit, in which is the county of Allen, aforesaid, certify that John Ward, Esq., is now, and was at the time of administering the oath aforesaid, clerk of the court of common pleas for said county, and that all his official acts as such are entitled to full faith and credit.

Witness my hand, this 24th day of January, A. D. 1837.

WILLIAM L. HELFENSTEIN.

The undersigned, the receiver and register of the United States land office at Lima, Ohio, are personally acquainted with Isaac McHenry, and have no hesitation to recommend him as a man of truth and good character—so universally esteemed. From what we know of Isaac McHenry, and the opinion of the public generally in relation to him, we hope he may succeed in his application for a pension, and such we believe to be the desire of all who know him.

JOHN P. HELFENSTEIN.

JANUARY, 1837.

STATE OF OHIO, Allen county, ss.

On this eighteenth day of November, in the year 1837, personally came before me, H. D. V. Williams, a justice of the peace in and for said Allen county, Isaac McHenry, a resident of Putnam county, Ohio, aged as stated in his original declaration, who, being first duly sworn according to law, doth, on his oath, make the following amended declaration, amendatory to his original declaration now on file in the Pension Office, at Washington city, in order to obtain the benefit of the act of Congress passed June 7, 1832.

That he entered the service of the United States under the following-named officers, and served as hereinafter stated. Some time in the month of March, A. D. 1780 (the precise day this deponent cannot state, it having been so long since, and his memory having failed him in some considerable degree; *but is certain it was* as early in March as the *tenth* day of March, in said year 1780), he entered the service of the United States as an Indian spy, in Captain Maxwell's company of Indian spies, as first sergeant, and served as first sergeant in said company till the first day of November, then next ensuing (1780) when he was dismissed; but does not recollect of receiving any written discharge; if he did, it is lost or destroyed long since; but he is satisfied in his own mind he received none. During this tour, he had for his officers Captain Alexander Maxwell, and Lieutenant George Westfall, for the company, and Major George Parsons, Colonel Benjamin Wilson, and General George Jackson, of Virginia, general officers. His tour was seven months and twenty-one days, it being a tour for that season.

On the 15th day of February, then next ensuing, A. D. 1781, he again entered the service of the United States, as an Indian spy, for the term of nine months, in the same company in which he had served his former tour, commanded by Captain Alexander Maxwell, and in the same regiment commanded by Major George Parsons, Colonel Benjamin Wilson, and General George Jackson, of Virginia, and served in said company as a *private*, until the 15th day of November, A. D. 1781, when he was dismissed, but receiv-

ed no written discharge. And on the 15th day of February, then next ensuing, A. D. 1782, he again entered the service of the United States, as an Indian spy, for the term of nine months, as in the last preceding term, in the same company in which he served his former tours, still commanded by Captain Alexander Maxwell, and in the same regiment commanded by Major George Parsons, but Colonel Benjamin Wilson having resigned, the command of the regiment, during this tour, devolved on Colonel Henry Delea, General George Jackson was still the commanding officer, and served in said company as a private until the 20th day of November, A. D. 1782, when he was discharged, and received a written discharge, which was destroyed in the manner set forth in this declarant's original declaration to which this is an amendment.

This declarant here states he rendered the services (in the two lastnamed tours), and did the duties of lieutenant, and so considered himself, and has so stated it in his original declaration; but having been informed by the department, that his authority to act as lieutenant was not regular or legal, he at once becomes a private, and has so stated his services in this amended declaration. And in his original declaration, he has stated his last term of service to be for two years, and to have commenced on the 15th day of November, 1780. This he did, including his time continuously, and including the intervening time between the expiration of each term or tour of service and dismissal, and the entering again into actual service in each of the two next tours of nine months each, as now stated.

This declarant is assisted in the recollection of the time when the last two terms of service commenced, from the circumstance of the murder of a family by the Indians, by the name of Cauly, in February, 1780; and Colonel Wilson having stated that fact at the expiration of the first term of service, and said the first of March in the succeeding campaigns, would be too late, as the Indians had committed that murder before March, it would be necessary for them to turn out sooner, and fixed on the middle of February. For all other matters and proofs, this declarant refers to his original declaration now on file, of which this is made last.

ISAAC McHENRY.

Sworn to and subscribed before me, a justice of the peace, in and for the county of Allen, and State of Ohio aforesaid, this 18th day of November A. D. 1837.

H. D. V. WILLIAMS,

Justice of the Peace in said county.

STATE OF OHIO, *Allen County, ss.*

I, John Ward, clerk of the court of common pleas, of said county of Allen, do hereby certify that Henry D. V. Williams, Esq., before whom the foregoing acknowledgment appears to have been taken, was, at the time of making the same, and now is, an acting justice of the peace within and for said county, duly commissioned and sworn as such, to whose official acts, as well here as elsewhere, full faith and credit are due. And I further certify that I am personally acquainted with the said justice, and am satisfied that the foregoing signature is genuine.

In testimony whereof, I have hereunto set my hand and affixed the seal of our court of common pleas, at Lima, this 18th day of November, [L. s.] A. D. 1837.

JOHN WARD,

Clerk of Allen County Court of Com. Pleas.

B.

WAR DEPARTMENT,
Pension Office, May 13, 1835.

SIR: That Isaac McHenry was commissioned as lieutenant of Indian spies, and was in actual service two years as such, cannot be recognised upon the statements contained in his papers. Before any actual service within the act of 1832, even as a private, can be computed, it will be necessary for Mr. McHenry to specify each term, with the places where, and the officers under whom, he served, and to state when, where, by whom, and what amount, he was paid for his actual service. There is not the slightest evidence among the papers that the claimant ever held the rank of an officer; but, on the contrary, his statement that his commission was signed by General George Jackson, who had no authority to grant commissions, affords a strong presumption that he enjoyed no such rank. Unless satisfactory proof both of rank and actual service be furnished, it must be considered that the claimant has mistaken mere readiness to serve for actual service, which alone is provided for by law. He should also explain why he has so long delayed making his claim.

The present papers remain on file.

I am, respectfully, your obedient servant,

J. L. EDWARDS.

SHELDON GUTHRIE, Esq.,
Kalida, Putnam county, Ohio.

C.

WAR DEPARTMENT,
Pension Office, December 14, 1837.

SIR: The amended declaration of Isaac McHenry has been examined and filed with his other papers. The Virginia militia were never called out to serve, as alleged, by the regularly constituted authorities of the State. The applicant resided on the frontiers; and the inhabitants voluntarily associated themselves for their own safety, and rendered themselves liable to be called out when the exigencies of the times required them to protect themselves against the incursions of the Indians. Such associations were proper; but their liability to bear arms under such circumstances forms no claim for military service, and such persons are, therefore, not provided for by the pension laws. The claim has consequently been rejected.

I am, respectfully, your obedient servant,

J. L. EDWARDS.

Hon. P. G. GOODE,
House of Representatives.

D.

WAR DEPARTMENT,
Pension Office, February 18, 1837.

SIR: The amended declaration of Isaac McHenry has been examined and filed with his original papers in this office. He alleges, in his original declaration, to have served a tour of seven months from March, 1780, and

for another term of two years after the first alleged term expired, as an Indian spy; and that during the term of two years he served as a lieutenant. It is very doubtful whether he could have served in the grade of lieutenant, and direct proof on this point must be procured.

Service as a militiaman was not continuous, but for tours of short duration. Unless, therefore, each tour of actual service can be particularly specified, as required in the enclosed printed regulations, a favorable decision cannot be had. No allowance can be made at the rate of the pay of a lieutenant, unless it can be clearly shown that he was regularly commissioned and served in that capacity.

I am, respectfully, your obedient servant,

J. L. EDWARDS.

W. L. HELFENSTEIN,
of Ohio, present.

War Department
Washington, February 13, 1867.

Sir: The enclosed declaration of your military has been examined and found to be correct. The original papers in this office. He alleges in his original declaration to have served a tour of seven months from March, 1780, and

War Department
Washington, February 13, 1867.

Sir: The enclosed declaration of your military has been examined and found to be correct. The original papers in this office. He alleges in his original declaration to have served a tour of seven months from March, 1780, and