

# Miners' & Farmers' Journal.

PRINTED AND PUBLISHED EVERY TUESDAY, BY THOMAS J. HOLTON...CHARLOTTE, MECKLENBURG COUNTY, NORTH-CAROLINA.

I WILL TEACH YOU TO PIERCE THE BOWELS OF THE EARTH AND BRING OUT FROM THE CAVERNS OF THE MOUNTAINS, METALS WHICH WILL GIVE STRENGTH TO OUR HANDS AND SUBJECT ALL NATURE TO OUR USE AND PLEASURE.—DR. JOHNSON.

VOL. II.

TUESDAY, AUGUST 28, 1832.

NO. 101.

## Miners' & Farmers' Journal

Is printed and published every Tuesday morning at Two Dollars and Fifty Cents per annum, in advance; Three Dollars a year, if not paid until after the expiration of six months. ADVERTISEMENTS will be inserted at Fifty cents per square (not exceeding 20 lines,) for the first insertion, and 25 cents for each succeeding week—or \$1 for three weeks, for one square.—A liberal discount will be made to those who advertise by the year. On all advertisements communicated for publication, the number of insertions must be noted on the margin of the manuscript, or they will be continued until paid, and charged accordingly.

All communications to the Editor must come free of postage, or they may not be attended to.

### LETTER

From the Secretary of War, in answer to the Act supplementary to the act for the relief of certain surviving officers and soldiers of the revolution.

June 25, 1832.

Laid on the table, and ordered that one thousand additional copies be printed for the use of the Senate.

WAR DEPARTMENT, JUNE 15, 1832.

SIR: In answer to your letter of this date, I have the honor to observe, that the act of Congress of March 19, 1818, entitled "An act to provide for persons engaged in the land and naval service of the United States in the revolutionary war," made provision for placing upon the pension roll all commissioned officers, non-commissioned officers, musicians, and private soldiers, and all officers in the hospital and medical staff, who served in the war of the revolution. The construction given to this clause by this department was, that the specific enumeration of "officers of the hospital and medical staff," excluded from the benefit of the act all other officers of the staff not holding commission in the line of the army. Because, if the words "all commissioned officers," &c., extend to the whole staff of the army, there was no necessity to insert a particular provision for any branch of the staff. And such a provision, when inserted, would embrace only the particular class described. Officers of the line only, were, therefore, supposed to be included in the first description. It is, however, clear to me, that, had the law contained no particular enumerating clause, the general provision, "all commissioned officers," would have included all the officers of the line and staff of the revolutionary army.

I allude to this subject here, that the reasons of the difference in the construction put by this department upon the act of 1818, and that which, it appears to me, should be put upon the act of the present session of Congress, entitled "An act supplementary to an act for the relief of certain surviving officers and soldiers of the revolution," may be apparent. The benefit of the latter act is extended to each of the surviving officers, &c., who shall have served in the continental line or State troops, volunteers or militia, &c., without any clause necessarily, or by construction, limiting its operations. It is, therefore, my opinion, that all the officers, whether of the line or staff, of every description, are embraced in this provision.

With respect to the evidence which should be required of the applicants, there is a manifest difference between the regular troops and the militia. Of the former, there are rolls in this office, more or less perfect, and where a person's name is found upon them, no other testimony is or should be required. Where the name is not thus found, the presumption is, that the applicant did not render the service stated, and the defect must be supplied by other testimony. The certificate of a commissioned officer, if one can be obtained, is required. But if it cannot, then the corroborating statement of two credible witnesses must be produced. Not that these witnesses should both certify from their personal knowledge to the actual service of the applicant; but that they should, by direct or indirect circumstantial evidence, confirm the account given by himself. These principles have regulated the department heretofore, and they appear to me to be founded in reason and in justice. When, however, the rolls are known to be imperfect, considerable relaxation should be allowed: and, under these circumstances, and as the difficulty of procuring testimony gradually increases, the regulations have recently been relaxed, particularly with respect to the nature of the circumstances required to be shown.

The case of militia service is, however, different. There are no rolls of the militia in this department, except those of the State of New-Hampshire. There can, therefore, arise no presumption against the applicant, to be met by stronger evidence than, under other circumstances, would be required; and time has so reduced the number of those veterans, and of the witnesses of their services and sufferings, that to demand of them positive proof independently of their own statements, would be to deprive many of them of the benefit of the act. My impression is, that the applicant should produce the best evidence in his power. If he has no living nor documentary evidence of his services, he should trans-

mit as detailed a statement, under oath, as he can prepare, showing the time, place, and manner of his employment, the corps to which he belonged, and such other circumstances connected with the subject, as he may be able to recollect, and as will serve to guide an examining officer in his investigation of the justice of his claim. To this should be added the certificate, under oath, of at least two respectable persons, whose characters can be established at the department, stating the general impressions of the neighborhood, where the applicant resides, or has resided, that he was engaged in the revolutionary war. I imagine there are few or none of the survivors whose claims to this character are not recognized in the vicinity where they live. This traditional evidence, in the absence of other proof, will corroborate the statement of the honest applicant, and check the attempts of those who are dishonest; and it appears to me to be as far as it will be safe to go.

These are my impressions, hastily written, in answer to your letter. I have them more considered in them, as they are fortified by the opinion of Mr. Edwards, in whose experience and judgment I place great reliance. And I think the committee will agree, that they pursue a just medium between a latitudinous construction, which would throw the doors of the Treasury open to all who are willing to fabricate documents which would insure them the benefit of this act, and such a rigid administration as would render nugatory the beneficent provisions of the law.

I have the honor to be, sir, Very respectfully, your ob't. serv't.

LEWIS CASS.

Hon. SAMUEL A. FOOT, Chairman of the Committee on Pensions in the Senate.

DEPARTMENT OF WAR, Pension Office, June 27, 1832.

The following regulations have been adopted by the Secretary of War for carrying into effect the act of Congress passed June 7, 1832, entitled "An act supplementary to an act for the relief of the surviving officers and soldiers of the revolution."

This law has been construed to extend as well to the line as to every branch of the staff of the army, and to include under the terms "continental line," "State troops," "militia," and "volunteers," all persons enlisted, drafted, or who volunteered, and who were bound to military service, but not those who were occasionally employed with the army upon civil contracts, such as clerks to commissaries and to storekeepers, &c. teamsters, boatmen, &c.

Four general classes of cases are embraced in this law:

1. The regular troops.
2. The State troops, militia, and volunteers.
3. Persons employed in the naval service.
4. Indian spies.

As rolls of the regular troops in the revolutionary war exist in this department, all persons claiming the benefit of this law as officers, non-commissioned officers, musicians, or privates, will, in the first instance, make application by transmitting the following declaration, which will be made before a court of record of the county where such applicant resides. And every court having by law a seal and clerk is considered a court of record.

Declaration, in order to obtain the benefit of the act of Congress of the 7th of June, 1832.

STATE, TERRITORY, OR DISTRICT OF \_\_\_\_\_

COUNTY OF \_\_\_\_\_

On this \_\_\_\_\_ day of \_\_\_\_\_, personally appeared before me \_\_\_\_\_ of the \_\_\_\_\_

\_\_\_\_\_ A B, a resident of \_\_\_\_\_

in the county of \_\_\_\_\_, and State, Territory, or District of \_\_\_\_\_

aged \_\_\_\_\_ 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 provision made by the act of Congress passed June 7, 1832. That he enlisted in the army of the United States in the year \_\_\_\_\_, with \_\_\_\_\_, and served in the \_\_\_\_\_ regiment of the \_\_\_\_\_ line, under the following named officers:

[Here set forth the names and rank of the field and company officers, the time he left the service; (and if he served under more than one term of enlistment, he must specify the particular period, and rank and names of his officers;) the town, or county, and State in which he resided when he entered the service; the battles, if any, in which he was engaged, and the country through which he marched.]

He hereby relinquishes every claim whatever to a pension or an annuity, except the present, and he declares that his name is not on the pension roll of any agency in the State, or (if any) only on that of the agency in the State of \_\_\_\_\_

Sworn to, and subscribed, the day and year aforesaid. A B.

And then will follow the certificate of the court:

And the said court do hereby declare their opinion that the above named applicant was a revolutionary soldier, and served as he states.

I, \_\_\_\_\_ of the court of \_\_\_\_\_, do hereby certify that the foregoing contains the original proceedings

of the said court in the matter of the application of \_\_\_\_\_ for a pension.

In testimony whereof, I have hereunto set my hand and seal of office, this \_\_\_\_\_ day of \_\_\_\_\_ &c.

If, on examination of the proper record, the names of applicants, making such declaration cannot be found, they will receive detailed instructions respecting the nature and form of the testimony they must produce to secure their being placed on the pension roll. As the presumption will, in such cases, be against the applicants, in consequence of the omission of their names in the muster rolls, they will be required to furnish, as near as may be, the same evidence as has heretofore been required by the regulations and practice adopted for carrying into effect the act of Congress of March 18, 1818, and the acts supplementary thereto; with such relaxations as have been, from time to time, sanctioned by the department, on account of the rapid decrease of the survivors of the revolutionary army, and the consequent difficulty of procuring direct positive testimony in every case.

Wherever an officer or non-commissioned officer is now in the receipt of a pension, he should make application, if entitled to the benefits of this act, by letter merely, setting forth his rank, and the regiment, corps or vessel, in which he served, and his present place of residence. His pension certificate must accompany his letter.

In those cases where the applicants have once been on the pension roll, under the act of March 18, 1818, and have been dropped therefrom on account of property, or where application has been made under the act of May 15th, 1828, and the evidence of service is in the department; or, having made application and proof of service, and having been rejected, instead of the above declaration, they will make a statement, setting forth, under oath, their having been previously on the pension roll, and their having been struck from the same, shewing their rank, the regiment, corps, or vessel in which they served, their present place of residence, and their place of residence when the first application was made, or of their application under the act of 15th May, 1828.

In a case where a claimant may make personal application at this department, and can produce satisfactory proof of service, and of his identity also, at the seat of Government, he may make his declaration before a justice of the peace.

2. The case of the State troops, volunteers, and militia, is different. There are in the department no rolls of the State troops, except those of Virginia; and no rolls of the militia, except those of New-Hampshire.

Applicants, who served in the State troops of Virginia, and applicants, who served in the militia of New-Hampshire, will be required to produce the same proof as is prescribed for those who served upon the continental establishment. But, with respect to the other State troops and militia, there is no record to advert to, and no presumption to be rebutted. The nature of the case, therefore, demands a different rule of proceeding.

Every applicant who claims a pension by virtue of service in the State troops, volunteers, or militia, except as is above provided, will make and subscribe the following declaration:

Declaration, in order to obtain the benefit of the act of Congress, passed June 7, 1832.

STATE, TERRITORY, OR DISTRICT OF \_\_\_\_\_

COUNTY OF \_\_\_\_\_

On this \_\_\_\_\_ day of \_\_\_\_\_, personally appeared in open court, before \_\_\_\_\_

\_\_\_\_\_ now sitting, A B, a resident of \_\_\_\_\_

in the county of \_\_\_\_\_, and State, Territory, or District of \_\_\_\_\_

aged \_\_\_\_\_ 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 June 7, 1832.

That he entered the service of the United States under the following named officers, and served as herein stated.

[Here set forth the names and rank of the field and company officers; the day (if possible) and the month and year when the claimant entered the service, and the time when he left the same; (and, if under more than one engagement, he must specify the particular periods, and the rank and names of his officers;) the town, and county, or State, in which he resided when he entered the service; whether he was drafted, was a volunteer, or a substitute; the battles, if any, in which he was engaged; the country through which he marched; the continental regiments or companies with which he served; and the names of some of the regular officers whom he knew, together with such further particulars as may be useful in the investigation of his claim; and, also, if the facts be so, 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, or (if any) only on that of the agency of the State of \_\_\_\_\_

Sworn to, and subscribed, the day and year aforesaid. C D.

And then will be annexed the following certificate:

We, A B, a clergyman, residing in the \_\_\_\_\_, and C D, residing in the \_\_\_\_\_, who are well acquainted with \_\_\_\_\_, who has subscribed and sworn to the above declaration; that we believe him to be \_\_\_\_\_ 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.

Sworn, and subscribed, the day and year aforesaid.

And then will follow the certificate of the court:

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 above named applicant was a revolutionary soldier, and served as he states. And the court further certifies, that it appears to them that A B, \_\_\_\_\_, who has signed the preceding certificate, is a clergyman, resident in the \_\_\_\_\_, and that C D, who has also signed the same, is a resident in the \_\_\_\_\_, and is a credible person, and that their statement is entitled to credit.

I, \_\_\_\_\_, clerk of the court of \_\_\_\_\_, do hereby certify that the foregoing contains the original proceedings of the said court in the matter of the application of \_\_\_\_\_ for a pension.

In testimony whereof, I have hereunto set my hand and seal of \_\_\_\_\_ office, this \_\_\_\_\_ day of \_\_\_\_\_ &c.

The form of the proceedings, and of the certificates, will be so varied as to meet the case, when the declaration is made out of court, before a judge, as hereafter provided for.

Every applicant will produce the best proof in his power. This is the original discharge or commission; but if neither of these can be obtained, the party will so state under oath, and will then procure, if possible, the testimony of at least one credible witness, stating, in detail, his personal knowledge of the services of the applicant, and such circumstances connected therewith as may have a tendency to throw light upon the transaction.

If such surviving witness cannot be found, the applicant will so state in his declaration, and he will also whether he produce such evidence or not, proceed to relate all the material facts which can be useful in the investigation of his claim, and in the comparison of his narrative with the events of the period of his alleged service, as they are known at the department. A very full account of the services of each person will be indispensable to a favorable action upon his case. The facts stated will afford one of the principal means of corroborating the declaration of the applicant, if true, or of detecting the imposition, if one be attempted; and unless, therefore, these are amply and clearly set forth, no favorable decision can be expected. All applicants will appear before some court of record in the county in which they reside, and there subscribe and be sworn to, one of the declarations above provided, according to the nature of his case.

The court will propound the following interrogatories to all applicants for a pension on account of service in the militia, State troops, or volunteers, except the militia of New-Hampshire and the State troops of Virginia:

1. Where, and in what year were you born?

2. Have you any record of your age; and if so, where is it?

3. Where were you living when called into service; where have you lived since the revolutionary war, and where do you now live?

4. How were you called into service; were you drafted, did you volunteer, or were you a substitute? And if a substitute, for whom?

5. State the names of some of the regular officers who were with the troops where you served; such continental and militia regiments as you can recollect, and the general circumstances of your service.

6. To a Soldier.—Did you ever receive a discharge from the service; and, if so, by whom was it given, and what has become of it?

To an Officer.—Did you ever receive a commission; and, if so, by whom was it signed, and what has become of it?

7. State the names of persons to whom you are known in your present neighborhood, and who can testify as to your character for veracity, and their belief of your services as a soldier of the revolution.

The court will see that the answers to these questions are embodied in the declaration, and they are requested to annex their opinions of the truth of the statement of the applicant.

The applicant will further produce in court, if the same can be done, in the opinion of court, without too much expense and inconvenience to him, two respectable persons—one of whom should be the nearest clergyman, if one lives in the immediate vicinity of such applicant, who can testify, from their acquaintance with him, that they

believe he is of the age he represents, and that he is reputed and believed in the neighborhood to have been a revolutionary soldier, and that they concur in that opinion. If one of these persons is a clergyman, the court will so certify, and they will also certify to the character and standing of other persons giving such certificates.

The traditional evidence of service is deemed very important in the absence of any direct proof except the declaration of the party. And the courts are requested to be very particular in the inquiry whether the belief is general, and whether any doubts have ever existed upon the subject. To require from the applicants positive proof of service from a contemporary survivor, would, after the lapse of so many years, be to deprive many of them of the benefit of the law. And as no presumption is raised against the militia by the existence of rolls in the department, there is no good reason why this requisition should be extended to them. On the other hand, to receive the declaration of the parties, as a sufficient ground for placing them upon the pension roll, without corroborating circumstances, would be to open the Treasury to great frauds. A just medium seems to present the best rule for carrying into effect the objects of Congress.

If the two persons whose certificate is required, cannot be produced in court, without too much inconvenience and expense to the applicant, then the statement of the facts and opinions abovementioned will be made under oath before some judge or justice of the peace, and the certificate of the court to the situation and credibility of the persons making the statement will be given.

Applicants unable to appear in court by reason of bodily infirmity, may make the declaration before required, and submit to the examination, before a judge or justice of a court of record of the proper county; and the judge or justice will execute the duties which the court is herein requested to perform, and will also certify that the applicant cannot, from bodily infirmity, attend the court.

Whenever any official act is required to be done by a judge or justice of a court of record, or by a justice of the peace, the certificate of the Secretary of State, or Territory, or of the proper clerk of the court or county, under his seal of office, will be annexed, stating that such person is a judge or justice of the peace, and that the signature annexed is his genuine signature.

3. Persons serving in the marine forces.

4. Indian spies.

Each of these two latter classes of cases will produce proof, as nearly as may be, conformably to the preceding regulations, and authenticated in a similar manner, with such variations as the different nature of the service may require.

No payments can be made on account of the services of any person who may have died before the taking effect of the act of June 7, 1832; and in case of death subsequent thereto, and before the declaration herein required is made, the parties interested will transmit such evidence as they can procure, taken and authenticated before a court of record, showing the services of the deceased, the period of his death, the opinion of the neighborhood respecting such services, the title of the claimant, and the opinion of the court upon the whole matter.

A note from Carroll!—The last surviving signer of the Declaration of Independence, Charles Carroll of Carrollton, has raised his warning voice. Could George Washington speak from his grave, his countrymen would receive the same admonition in the present perilous crisis of our free Republican institutions. The Norfolk Herald says,—"This venerable patriot, we learn, has declared, that 'if Gen. Jackson continues the course that he is now pursuing he will ruin the country.'—*Profr. Jour.*"

A physician at Warsaw, wishing to make an experiment proposed to a very robust man to lie in the bed where a person had died of the Cholera. As a considerable reward was offered him for so doing, he agreed to the proposal; but the man was scarcely in bed when his imagination began to work, and made him uneasy, he felt all the symptoms of cholera, and died, notwithstanding the medical assistance that was afforded him. The physician afterwards declared that no one who had died of the Cholera had previously slept in the bed. This fact proves that the fear produced by the imagination has a share in promoting the disease.—*Paris paper.*

Suicide.—The Pennsylvania Inquirer of yesterday says: "We learn with deep regret that Mr. Thomas M. Tybout, but a few years since one of the most promising young men of Philadelphia, committed suicide on Friday night last, by jumping into the Delaware and Chesapeake Canal and drowning himself. He was at one time in a state of mental derangement."