

## REGULATIONS UNDER THE ACT OF JUNE 7, 1832.

The following regulations have been adopted:

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 Store Keepers, &c. Teamsters, **Boatmen** [emphasis added by KDJ] , &c. Persons who served on board of Private Armed Vessels are also excluded from the benefits of the law, as well as persons who turned out as patrols, or were engaged in guarding particular places at night, and were not recognized as being in actual military service.

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 ss.

On this [—] day of personally appeared (*a*) before

A.B. a resident (*b*) of in the county of [—] and State, Territory or District of [—] aged [*c*] [—] 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 7th, 1832. That he enlisted in the Army of the United States in the year (*d*) [—], with [—] and served in the [—] (*e*) 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.  This form is to be varied so as to apply to the cases of officers and persons who belonged to the militia, volunteers, navy, &c.]

He hereby relinquishes every claim (*f*) 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 any 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 (*g*) that the above named applicant was a revolutionary soldier, and served as he states.

I [— — —] of the Court of [— —] do hereby certify (*h*) 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 (*i*) this [—] day of [— —] &c.

If, on examination of the proper record the names of applicants, making such declaration, cannot be found, they will produce such proof as the rule given in note (*j*) points out.

Every applicant who claims a pension by virtue of service in the State Troops, Volunteers or Militia, except those who belonged to the New Hampshire Militia and State Troops of Virginia, will make and subscribe a declaration similar to the foregoing, with the following additions, viz:

(*k*) We, A. B., a Clergyman, residing in the [— — —] and C. D. residing in (the same) hereby certify, that we 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 [sic] of for a pension.

In testimony whereof, I have hereunto set my hand and seal [seal embossed onto document] of office, this [—] day of &c.

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 (*I*) 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 [m] 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 services.
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 [t]he 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 the 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 traditionary 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 enquiry whether the belief is general, and whether any doubts have ever existed upon the subject.

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 a Court of Record, or a Justice of the Peace, and that the signature annexed is his genuine signature.

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.

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[a] The declarant must appear in open Court, unless prevented from doing so by reason of bodily infirmity ; in which case the declarant will follow the rule laid down for his guidance.

[b] The declarant must make his declaration in the county where he resides. If he should fail to do so, he must assign a sufficient reason for not conforming to the rule.

[c] The age of the claimant must invariably be mentioned.

[d] The declarant must mention the period or periods of the war when he served.

[e] Every continental officer or soldier must give the name of the Colonel under whom he served; otherwise a satisfactory examination of the claim cannot be had. Every claimant must state, 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. 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:

“Personalty appeared before me, the undersigned, a Justice of the Peace, &c. A. B. who, being duly sworn, deposed 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 each 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. Some persons who apply for pensions merely state that they served two years in the militia &c. without specifying the

tours, the names of the officers, and other particulars respecting their service. This form of a declaration is highly objectionable. It must, in every case, be clearly shown under what officers the applicant served; the duration of each term of engagement; the particular place or places where the service was performed; that the applicant served with an embodied corps called into service by competent authority; that he was either in the field or in garrison; and for the time during which the service was performed, he was not employed in any civil pursuit.

[f] The law makes the relinquishment indispensable.

[g] The opinion of the Court is always required.

[h] The Clerk must give his certificate in every case.

[i] The Clerk must affix his seal, and if it has no device or inscription by which it can be distinguished from any other seal, or if he has no public seal of office, the certificate of a Member of Congress, proving the official character and signature of the certifying officer, should accompany the papers.

#### *Mode of authenticating papers.*

In every instance where the certificate of the certifying officer who authenticates the papers is not written on the same sheet of paper which, contains the affidavit, or other papers authenticated, the certificate must be attached thereto by a piece of tape or narrow ribbon, the ends 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.

#### *Proof of Service.*

☞ [j] 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 claimant's 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.

The notes from [a] to [i] are all equally applicable to the cases of Militia men, Volunteers and State Troops, The proof required by rule in this case applies to continental troops only.

[k] This traditionary evidence is indispensable in militia cases.

[l] If a witness cannot be found, the declarant must state the fact.

[m] The answers to the interrogatories must all be written, and sent to the War Department, with the declaration.

BRIEF objections to the admission of Pension Claims, of which those answered in the negative, in red ink, will apply to the claim of [———— ———— ————] 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 amou[n]t of pension he is entitled?
  - 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?
  - I X. 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?
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- 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?
  - 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 our living witness, has he stated in his declaration that such proof cannot be had?
  - XIV. † If the applicant's name is not found on the rolls of military service, has he produced a witness or witnesses as to his service?  
If he has produced direct proof as to service, has the magistrate who administered the

oath, certified to the credibility of the witness or witnesses?

Has the proper officer certified to the official character and signature of the magistrate as the regulations direct?

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 ?

X VI. ‡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 ?

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#### 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, deposeth 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.

#### **[PRIMARY EVIDENCE OF CONGRESS' ACKNOWLEDGMENT OF UNDER AGED MEN SERVING IN THE AMERICAN REVOLUTION]**

34<sup>th</sup> Congress,  
HOUSE OF REPRESENTATIVES.  
3d Session.

REPORT No. 13

GERSHOM VAN VOAST.

[To accompany bill H. R. 595]

DECEMBER 12, 1856.

Mr. BROOM, from the Committee on Revolutionary Pensions, made the following

REPORT.

The Committee on Revolutionary Petitions, to whom was referred the petition of Gershom Van Voast, submit the following report:

The claimant, in his statement under oath, makes the following declaration: "That he entered the service of the United States in the summer of the year 1779, in the company of Captain Gray, regiment of Colonel Wemple; that he was not enlisted, but continued as aforesaid for more than three years in the service of the war of the Revolution; that he had the care of the horses at the Congress stable, situated on the land of his father, in Schenectady; was once despatched to carry the mail or express to Schoharie, also to drive cattle to Fort Plain and Fort Herkimer; and that his brother, James J. Van Voast, for having performed the same kind of duties, is now pensioned, and that said service was not performed under any civil contract, &c., &c.

James J. Van Voast, a revolutionary pensioner, states, under oath, that he is brother to the present applicant, and that to his knowledge his brother Gershom entered the service at the age of 14 years, and that he belonged to the same company to which his said brother did; that said Gershom joined the company at Schenectady, under Captain Gray and Colonel Wemple in the year 1779, and was employed most of the time in taking care of the horses at the continental stable, in the city of Schenectady, and that he remained there employed, as above mentioned, more than two years; that he (said Gershom) was once despatched to carry the mail or express to Schoharie, and was once ordered to go with this deponent to drive cattle for the army to Forts Plain and Herkimer, and was attached to the army in the same capacity as he was, and was as much under the command of Captain Gray and Henry Glen, commanding general, as he was, from the years 1779 to 1783, and continued to perform all such duties as were imposed on him by the officers of the army, and did not devote any time to anything else than the military operations against the enemy of the country, &c., &c.

Jerome Barkydt, also a revolutionary pensioner, says, under oath, that he well knew the said Gershom Van Voast was engaged in the service of the United States in the war of the Revolution for more than two years from 1779; that most of his services consisted in taking care of the horses belonging to the army; that he was compelled to do duty as express, and to drive cattle for the army to Forts Plain and Herkimer in 1780, and performed the same kind of duty that his brother, James J. Van Voast, did during the war, &c., &c.

John J. Schermerhorn, a revolutionary pensioner, states, under oath, that he has always known Gershom Van Voast, and he believes, from the best of his recollection, that Gershom V. Voast served more than two years in the army of the United States, and at the time stated in the affidavit of James J. V. Voast hereunto annexed, &c., &c.

In presenting the case to the Pension Office, the objection to the allowance of the claim appears that, being "but 14 years of age, he could not have been under enlistment as a soldier, which is indispensably necessary to entitle him to a pension." This objection, upon an examination of the act of June 7, 1832, under which claimant is entitled, does not justify the conclusion of the Pension Office. The first section of the said act is in the following words: "That each of the surviving officers, non-commissioned officers, musicians, soldiers, and Indian spies, who shall have served in the continental line, State troops, volunteers, or militia, at one or more terms, a period of two years during the war of the Revolution, &c., &c., shall be entitled to receive," &c.

It is obvious from the act itself that service only was contemplated as the prerequisite to entitle a soldier to the pension, and not whether he was regularly enlisted, or whether it was



performed without enlistment; or why would the word "volunteers" have been introduced? The act is, in its language, intended to embrace every species of service performed during the memorable struggle for independence; the term of service, provided it was of six months' duration, being the only thing necessary to insure to the aged soldier his country's bounty.

The committee deem the evidence fully satisfactory to establish two years service, and the rules of the office themselves fully complied with; they therefore report a bill for his relief. (Revolutionary War Pension Application #R10901, Van Voast, Gershom).