

Pension Application for Alexander Leitch Miller

W.18143 (Former Widow: Margaret Tiers) Married January 20, 1774, Alexander died about the close of the Revolutionary War. Margaret Married Matthew Tiers and he died as well. Margaret died January 31, 1840.

The case of Margaret Tiers, now on appeal before the Department of the Interior, is certainly remarkable in one aspect [aspect] as being the only case of an Artificer in the Revolutionary Service (except those who were joined with him) in whose claim to a pension has been rejected. The services are admitted.

The Character of those services is fully disclosed in the evidence. And yet from the particular character of the contract under which those services commenced his claim has been rejected. The case is a little remarkable in another aspect: viz: the extreme eagerness which is shown in the Report made in this case of the Sec'y of the Interior, to convict the author of a certain "Brief" which was made in the Pension Office on a former examination, of error; as if it were of but little consequence what became of the poor pensioner's claim, so a triumph could be achieved by one of the Examining Clerk, in the Pension Office over another.

Now I do not intend to enter into any investigation of the matter whether the Author of the "Brief" on the author of the "Report" was eight, or whether the case which was referred to as an admitted case & precedent, had in reality become a suspended case—but to shew that both that case, if suspended, and this case if ejected, ought to have been admitted.

In the first place, let us examine into the character of the service in which Miller & his company were actually engaged—the kind of employment which devolved on them, the time & the place when and where their duties were discharged. This we shall discover from the testimony.

And I first refer to the affidavit of Francis Gantz who after stating that in 1775 he went up [the] North River with his father, a shipwright, and well recollects Capt Alex's L. Miller who had charge of the Shipwrights or a company of the, he says.

"Deponent, Father went with said company under Capt. Miller to Fort Pitt, Penn, and Respondent recollects when his father and the whole company departed, he also recollects when they came back. They were absent about 7 or 8 months The company after their return in 1779 went to work on the North River at different places, still in the Continental service. This company of Artificers under Miller was also at Fort George & Ticonderoga, was there 4 or 5 months" &c.

The next is the aff'd of Joseph White who was acquainted with, though not in the same company as Miller. That Miller & one Stoddard had each charge of a Company of Artificers & that he knew of Miller's being engaged in building the Montgomery upwards of a year, he says:

"The nature of the service was that we volunteered and enrolled for some given time, sometimes 4 months, sometimes 6 & sometimes 9 months. We had monthly pay and always rations. We were subject to the orders of the officers of the army; carried arms when necessary; always liable to do duty or in an emergency with the troops. This was the nature of the service and Capt. Miller did this duty, like all the company. . . .

We were asked to sign the rolls for duty, and were volunteer artificers: Our services were considered more valuable than soldier and we got higher monthly pay. We were under the orders of the Continental Officer. Capt Miller & James Seaman & Winey with Stephen Seaman, and if he did he certainly belonged to the Continental Military Establishment, and was subject to Military discipline enlisted as Volunteers to go from Poughkeepsie to Fort Pitt, enlisted in March 1778; departed there in March, about 40 strong, marched through New Jersey (snow on the ground), to Philadelphia, then joined & enrolled anew in Phil'd under Col Ayers, who appeared to act as Quartermaster. The men at Philadelphia were about 70 or 80, and they armed with muskets, that is to say the said Seaman & Millers companies were 70 or 80 strong; and on this duty saw Capt Miller & James Seaman and myself were engaged eight months & upwards, and then returned with our respective companies to Poughkeepsie; and then continued on duty in the Continental service, as stated in Deponents previous depositions. Those two companies of Artificers were subject to Military discipline, and when we stood sentry (as we did) in Pennsylvania as well as other places, he had the sign & countersign of the Post &c.

Genl Morgan Lewis late Governor of New York in his certificate on file in the case of Joseph White says *“there were several companies of Artificers on the North River; they were enrolled and not unfrequently did duty with muskets as soldier during the Revolution.”*

And in the book labeled “Artificers” (P 6 in pencil) There is a full & explicit declaration of the particulars of this kind of service by Genl. Morgan Lewis. In the first part of this certificate he speaks of Seaman and his company and says

“This company was attached to the Continental Establishment or Army and were subject to the discipling of the Camp or Fort wherever doing duty; and this description of men were in the habit of doing duty with muskets in case of emergency and frequently performed useful military duty, and received rations as soldiers. They were volunteers or mechanics who enrolled to follow the army, and to perform the duty of artificers, but they were certainly subject to the Military discipline and we were in fact ordered to enroll no artificers except they considered to subject themselves of such discipline. The undersigned thinks this was by Resolution of the Continental Congress.

The undersigned recollects the name of Alex'd Listch Miller as being connected with the Army, and not his person &c. . . . and the undersigned believes Miller performed the like service with Stephen Seaman, and if he did he certainly belonged to the Continental Military Establishment, and was subject to Military discipline”.

There are also some old documents filed which go conclusively to confirm all that is said in the affidavits preceding & in certificate of Genl Lewis among other the following:

“Sir, You will immediately proceed with the men under your command to West Point in order to repair the Continental Boats, as soon as you arrive you'l [you'll] apply to the Honorable Major Genl Greene and take his instructions respecting the business. I am your obt. Humble servt. Benjamin G. Eyer S.B.D. Philadelphia Aug. 29, 1779. To Capt Miller.”

There is also the order by Gove Clinton that Mess'rs Miller & Seaman with their respective companies should be permitted to pass King's Ferry. Also certain rolls containing the names of the men their pay & rations and an allowance for every twenty miles travel.

Such then is the evidence as to the character of the services actually rendered by Miller & Seaman and their artificers. This evidence is entirely uncontroverted. All the testimony in the case is not only consistent but corroborative, and of the highest & most satisfactory kind. If then we are to take this service as it is represented to have been not in theory, but in actual practice, can there be any doubt that within the meaning of the pension laws it was military service?

Here is a body of men enrolled under a man who is recognized as their Captain, who can enter the Continental Service pledge to follow the army, often times carrying arms, frequently acting as sentries having the countersign committed to them, doing duty in their own peculiar calling at the Forts or in the camps or military stations, always in those places most exposed and most inviting to the attack of the enemy subject to military discipline—incurring just as much danger as the regular soldiery, on many occasions as useful a portion of the army as the soldiers—and yet forsooth because these men happen to come into the service under a civil contract (as it has been called) that civil contract (as it has been called) that civil contract is to give a color to the whole affair and to take from them any eight other than what any mechanic would have who is hired to work for the Government any where under any civil contract in time of peace.

It is revolting to the moral sense, it is repugnant to the common sense of mankind so to treat it. And I lay out of the case those extra-services which they performed, such as carrying muskets, acting as sentries &c.

And I say that in their own peculiar occupation of Artificers, they were (and especially in the straits & emergencies of our Revolutionary struggle) and still are an essential portion of a well ordered Army; a fact which I suppose no one would dispute since Napoleon crossed the Alps, or made such effective use of the [Sappers?] & miners & Pontoniers which formed a grand element in his military appointments – and more-over since we have introduced the same as a permanent part of our own army. Nor does the importance of this kind of service seem to be denied in the Report from the Pension Office, for in it, it is said that there were Artificers employed in the Continental service, but they were under the regular officers, such as Koscinsko and not attached to the service by a mere civil contract. It is then not the character of the service, but the nature of the contract under which that service was to be obtained which gives other employment of these different classes by Artificers a military or unmilitary character.

And yet strange as it may appear these very artificers who served under Koscinsko served [blot] and are admitted to be entitled to pensions for military services—were attached to the army by just such a contract, as Miller & his men. (See Artificers Book) The contract of those Artificers was in every sense a civil contract. So that if Miller & Seaman are to be excluded from the benefit of the Pension Laws,

because they came into the service under a Civil Contract, then the whole course of the Pension Office, in regard to all Artificers & Boat Builders &c, has been without exception wrong. But this pretext that the contract determines the character of the services, is totally groundless & fallacious. Every enlistment of every soldier (in this country) is a civil contract. Every soldier when he enlists contracts to serve his country against her enemies. It is purely a civil contract to do military service. In his contract he finds himself to go where he is bid &c, to abide by the rules and articles given, to submit to military discipline. And he is subjected to this military discipline. And he is subjected to this military discipline only because of his civil contract to do so. The whole matter ended in a civil, persona contract.

Now if what Genl Lewis says is true, and his testimony is above impeachment, then there is an end of this question. If it is true that “they were volunteers or mechanics who enrolled to follow the army” that they “received rations as soldiers” that they were certainly subject to the military discipline” and that the officers “were in fact ordered to enroll no artificers except they consented to subject themselves to such discipline”.

What is all this but just such a contract as every enlisted soldier makes at the time of his enlistment. The enlisted soldier contracts to go with army & to be subject to military discipline. These volunteer Artificers enrolled themselves to follow the army, and to submit to military discipline & no such Artificer could be enrolled without military discipline. These volunteer artificers enrolled themselves to follow the army, and to submit to military discipline & no such artificer could be enrolled without engaging to submit to military discipline. And we find in fact that they were ordered from Port to Port & Fort to Fort always employed in those works which were necessary to the immediate safety & purposes of the army. How then any distinction can be set up to the prejudice of the Artificers which all others have been admitted to pensions is a matter of surprise.

I would refer also to the communications from the State Department shewing that among the returns of companies & such Carpenters & Artificers all included.

I would also remark that this question was at one time intended to have been brought before the Hon. Joel Poinsett, Sec’y of War for his decision—but the Report from the Pension Office having not been made to him till the 27th February 1841 only four days before his retirement from office, of course it did not then meet with the examination or decision which was desired; nor has any decision been made since on this subject either in the War Department or the Dept. of the Interior. A. H. Lawrence.

The above letter is undated, however, the reply to his lengthy letter is dated January 10, 1853, so the above letter was written close to that date.