

Pension Application for Silas Winans

W.16527 (Former Widow: Elizabeth Calkins) They married December 2, 1784, when Elizabeth was in her eighteenth year of age. Silas died Sept 25, 1823. After Silas died she married Joshua Calkins.

This pension folder is 108 pages in length.

District of New York
Seneca County SS.

On this 3 day of October 1821 personally appeared in open court being a court of Record for Seneca County, it having a Seal and is invested with the power of imposing penalties, finis [fines] imprisonment &c. Silas Winans aged 61 years resident in the Town of Wolcott in Seneca County in said district, who being first duly sworn according to law, doth on his oath declare that he served in the revolutionary war as follows to wit.

He was called into the Army and did serve on the Southern Northern & Western frontiers of the State of New York until (he thinks it was early in the fall of the year 1779) he was marched from Fort Herkimer near Fort Stanwicks on th(1)e Mohock [Mohawk] River to Tapan where he enlisted (a short time previous to the Execution of Major Andre) (2) into Capt Gershom Motts (3)Comp’y in Col. John Lambs (the second) Regim’t of Artillery in the Army of the United States, said Comp’y was commanded by Capt Lieut Ephraim Fenno, (4) in which he served as set forth in his first declaration and affidavits until peace.

And I do solemnly swear that I was a resident citizen of the United States on the 18th day of March 1818 and that I have not since that time by gift sale or in any manner disposed of my property or any part thereof with intent thereby so to diminish it as to bring myself within the provisions of an act of congress entitled “an act to provide for certain persons engaged in the land and naval service of the United States” passed the 18th March 1818 and I have not, nor has any person in trust for me, any property or securities contracts or debts due to me, nor have I any interest other than what is contained in the schedule hereunto annexed and by me subscribed.

Schedule of all the real and person Estate of Silas Winans in October 1821.

Real Estate None.
Personal Estate.

4 Swine	8.00	1 Flat Iron	0.37
1 Plow	4.00	5 old chairs	2.50
7 Drag Teeth	4.50	1 Table	1.00
Chains	3.00	1 Chest	1.25
1 old ax	0.75	5 Knives, 4 Forks	0.62
2 old Hoes	0.75	2 Spinning Wheels	5.00
1 5 pail Kettle	5.25		10.74
1 tea kettle	1.00		29.00
1 Bake Kettle	0.50		39.74
1 1 pail Kettle	1.25		
	29.00		

Wolcott Seneca County October 1821
Amount of Debts now due from Silas Winans \$150.00
Wolcott Seneca County October 1821.
Amount of debts now due to Silas Winans Nothing.

The occupation of Silas Winans is a labourer at Farming, but he is ruptured and his constitution much impaired and afflicted with sickness a very considerable part of the time and has been several years last past. He has a wife in the fifty eighth year of her age as able for business as is usual to Women of her age. He has four Children in family between the ages of eight & fifteen years, one of which is a cripple to provide for, besides a child of three years old which he is incumbered [encumbered] with supporting. (Signed) Silas Winans

Sworn in open court Oct'r 3rd 1821. John Maynard Clerk of Court of Common Pleas.

29th Congress, 1st Session. Rep. No. 770. Ho. Of Reps.

Elizabeth Calkins

(To accompany bill H.R. No. 509)

July 13, 1846.

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

REPORT:

The Committee on Revolutionary Pensions, to whom was referred the petition of Elizabeth Calkins, report:

That the petitioner was formerly the wife of Silas Winans, to whom she was married shortly after the close of the war; the marriage is satisfactorily proved. She is now a widow. The said Winans was a pensioner under the act of the 18th of March, 1818, which he continued to enjoy until the day of his death.

The petitioner asks a pension under the act of the 7th July, 1838. Her claim has been rejected by the Commissioner of Pensions, upon the ground that the name of Silas Winans is entered as a deserter upon the muster rolls of the army. To disprove this, it is alleged that Winans received a furlough to visit his family, and while at home was taken sick, and was rendered unable return to service, and was consequently returned as a deserter. (5) After the war he proved his sickness and inability to return to the service, received bounty land, and subsequently a pension, as stated.

Several respectable witnesses testify to his inability from sickness to return to duty; one of these (Wm. Seagraft) (6) was his commanding officer, and afterwards a merchant in New York. T. B. Howe endorses this certificate. E. P. Lee (7) testified that Winans had a certificate from his physician stating his inability to return to service. Levi Bishop (8) testifies that he received from the paymaster of Colonel Lamb's regiment the pay to which Winans was entitled for his services.

The committee do not concur with the Commissioner of Pensions in his decision in this case. It is proved by respectable witnesses that he was prevented from returning to the army by sickness; that he received pay for his services at a time when all the facts were susceptible of proof; that he received bounty lands (9) from the State of New York at a time when many of the officers and soldier of the Revolution were still living; and that subsequently he received a pension from the United States. All this, taken in connexion [connection] with the fact that the muster rolls became very imperfect, owing to the absence of so many soldiers on leave, who, owing to sickness and other causes, did not return merely for the purpose of being discharged, the committee think, throws much doubt over the charge that Winans deserted, if it does not disprove it. The act of the 7th June, 1832, provides that all officers, soldiers, &c., who served two years in the army of the Revolution, shall be entitled to relief; and they accordingly report a bill, granting her a pension under the act of the 7th July, 1838, for two years' service of her said husband, to commence the 1st January, 1845.

Albany, N.Y.

September 15, 1846.

Sir/

I have the honor to inform you that Elizabeth Calking applied for a pension under the Act of July 7th 1838, on account of the Revolutionary services of her first husband Silas Winan, and her claim was disallowed by the Commissioner of Pensions upon grounds which I believe to be wholly insufficient. I therefore desire hereby to appeal from his decision.

Silas Winans was a private in Col. Lamb's Regt of Artillery during the Revolutionary War. He enlisted at the early part of the War and served until the spring of 1782 when he was taken sick and returned home on furlough. This sickness prevented his returning to the service, and he was returned upon the rolls as a Deserter. Mr. (John L.) Edwards rejects the claim upon the ground that he was a Deserter, no other evidence being allowed by him to disprove a record.

In the first place I would observe that it is a fact well known to the Department, that soldiers were often returned as Deserters by the Inspecting officer on account of absence, unexplained at the time. Such officers could not, of course, have means to ascertain the various causes of absence and there fore had no alternative but to return, deserter.

Now in the case of Silas Winans it is proved beyond all just cause of doubt that Silas Winans was not a deserter, but was prevented from returning to the Army by sickness. Upon referring to the papers in this case you will please to observe that Mr. Edwards grounds his objective to the claim upon inference alone. He infers that as Silas Winans did not return to the Army from 15 March 1782 (the time he was first entered a Deserter) until June 1783 (the close of the war) he must in fact be a Deserter. May we not with equal justice infer, that after Silas Winans had served during the whole war, faithfully & well, until a time where rumors of Peace were in every mouth, he would not have absented himself from the Army at a time, when all active service had ceased, and thus have incurred the [approbrium?] of desertion, and sacrificed [sacrificed] all the benefits to result from his long & arduous service during the entire war.

But mere conjection I conclude, has nothing to do with this claim. The proof is positive, and has, as will be seen been conclusive, to every mind, but that of the Commissioner, Silas Winans, was not a deserter, as had accidentally been recorded upon the Army rolls.

The proofs are as follows,

In Augt 1807 the Legislature of the State of New York granted Silas Winans a section of Bounty Land in consequence of his said service (Lot no 99 is in the township of Sterling). The question of Desertion then as agitated and fully settle[d] by the following evidence.

1st The certificate of William Leagraft a Lieut in Lamb's Regt that Winans was absent upon furlough & prevented from returning to the service by sickness. The Certificate was executed in 1804 before Mayor T.B. Howe, then Inspector [inspector] of Customs, for the Port of New York.

2nd The affidavit of John Russell a Sergeant in the same Company of with Winans (Capt Motts Company) who also testifies that Winans absent upon furlough.

3rd The aft of Edmund Per Lee that Winans was also sent upon furlough and obtained a certificate from his physician Mathias B. Miller that he was unable to return to his Regiment until the close of the war owing to sickness.

4th The affidavit of Levi Bishop (also of Motts Company) that he returned home upon furlough & was unable to return to the Army owing to sickness. And further that he Bishop obtained said Winans back pay from the Paymaster of Colonel Lamb's Regt.

5th Jacob Willsey also of Lamb's Regiment & Motts Company testifies that Winans was absent upon furlough.

6th Mary Wright testified that he was absent upon furlough & prevented from returning to the Army by sickness.

These affidavits, it will be observed, were all taken in 1803, '4, & '5, when means of proof were abundant & it would have been impossible to have perpetrated [sic] a fraud even if so many of fellow soldier's and officers would have connived there at. Levi Bishop swore that he received Winans back pay, from the Paymaster of Col. Lambs Regt which could not have been a Desterer, [Deserter] and yet al this positive evidence is set aside by the Commissioner of Pensions, being over ruled by the influence that he might have returned to the Army before June 1783 if he had not been a Deserter, as he was entered upon the rolls.

You will observe from the papers filed in the Pension Office & thence transfered [transferred] to the Clerk of the House of Representatives, that Silas Winans was allowed Bounty Land in 1807 & again in 1815, by the Legislature of the State of New York and that a pension was granted to him by the Congress of the United States under the Act of March 18, 1818. You will also observe that at the late [the last] Session of Congress a bill was reported by the Pension Committee for the relief of his widow said Elizabeth Calkins, and that said bill passed the committee of the whole in the House of Representatives. Congress having thus made an expression of its views in the case not with standing the objection of the commissioner of Pensions. I am desired to call your attention to the same, with the hope and belief that the claim may be allowed without subjecting the widow to the further delay incident upon the action of Congress, and the uncertainty whether in the Press of more important public business, the claim can be reached at all during life time of the aged applicant.

I have the honor to remain with Great Respect your m[ost] Ob[ie]nt] servant. Wm. L. Pierce.

P.S. The papers in the above case are I believe now in Charge of the Clerk of the House of Representatives. Honl William L. Marcy, Secretary of War.

29th Congress 1st Session.

H.R.509.

Rep[ort] No. 770.

July 13, 1846.

Read, and Committed to a Committee
Of the Whole House tom-morrow

Mr. Seaman, from the Committee on
Revolutionary Pensions, reported the

Following bill;

A Bill, where all crossed out on
the printed bill.

For the relief of Elizabeth Calkins, the widow of Silas Winans.

Be it enacted by the Senate and House of Representatives of the United States of America ij Congress, assembled, That the Secretary of war be, and he is hereby, authorized and required to place the name of Elizabeth Calkins on the revolutionary pension roll, under the act of seventh July, eighteen hundred and thirty-eight, for two years' service of her said husband, to commence the first January 1, eighteen hundred and forty-five.

Approved March 3d 1847.

Department of State

March 17th. 1849.

I certify that the above is a true and complete Copy, Carefully Compared with the original roll on file in this Department. A.P. Trill, Chief Clerk.

End Notes—W.16527—Silas Winans

1. In Silas's deposition of January 20, 1820 he, claims to have served in Captain Williams Company and served at Crown Point, Fort Herkimer and Fort Stanwix. He appears to be referring to Captain Daniel Williams who had been appointed to serve in Lieutenant Colonel Commandant Albert Pawling's Regiment of New York State Levies in 1780. In July of 1780 Captain Williams and his company were transferred to Colonel Morris Graham's Regiment of New York State Levies. There is only one muster roll for Captain Williams' Company for July and August of 1780 and Winan's name is not on the roll. Silas also stated that when he enlisted he lived in Amenia, Dutchess County. Silas also had served in Captain James Talmadge's Company in Colonel Roswell Hopkins' Sixth Regiment of Dutchess county Militia prior to his levy service.
2. Major John Andrew was hung on October 2, 1780.
3. Silas enlisted in December 1780 in Captain Lamb's Second Continental Regiment of artillery. There are several muster rolls missing in 1780 and 1781. He listed for 1781 and paid according to the September payroll for 1 month as a matross for £ 8 1/3. The February 1782 muster roll states Furlough Expired and on the March 1782 states Deserted 16 March. FROM: Revolutionary War Rolls, 1775-1783, Series M-246, Roll 119, folder 46, National Archives, Washington, D.C.
4. Ephraim Fenno served as a Captain-Lieutenant in Captain Mott's Company. At various times an artillery company would be in two sections with the captain taking one half and the Captain lieutenant taking the other half.
5. Descriptive List of the Men of the 2d or New York Regiment of Artillery, in the Service of the United States commanded by Colonel John Lamb—from the 1st January 1777 to the 12th August 1782. It includes the following: where born-State or Kingdom--; New York time--; Deserted 15th March 1781 [1782, end note 3]-; where Inlited;- County Dutchess, Town Orange--; Age-21; Size 5 Feet 7 Inches--; Complexion [sic] Rudy--; Eyes Light Brown--; Hair Light Brown. Made Clumsy Remarks. Round Shouldered—down look. Dated October 13, 1782 at West Point, N.Y. FROM: Revolutionary War Rolls 1775-1783, Series M-246, Roll 117, folder 37, National Archives, Washington, D.C.
6. First Lieutenant William Leaycraft not Seacraft. Leaycrafts deposition is in the pension file.
7. Edmond, Perlee, Parlie etc., had served as a second lieutenant and first lieutenant in Captain Samuel Waters' Company in Colonel Hopkins' Regiment.
8. Levi Bishop served as a matross in Captain Mott's company.
9. Silas Winans by act of 20 Mar. 1807 Township 28 [Sterling], Lot 99, 450 acres. Silas Winans, to supply deficiency in No. 99, Lot 98, 50 acres N.E. Corner. The original grant of 50 acres was included in the pension files. It was signed by Governor Daniel D. Tompkins. The surveying fee was \$1.00. FROM: The Balloting Book, and Other Documents Relating to Military Bounty Lands, In The State of New-York, Albany, 1825, P. 79, Packard & Van Benthuisen.