

[Southern Campaign American Revolution Pension Statements](#)
[Samuel McMurry Revolutionary War Pension File R6798](#)

Transcribed by Larry Hallstrom

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Declaration

State of Tennessee }
Robertson County } On this 9th day of September in the year 1851 personally
appeared before me James Spruce one of the acting Justices of the Peace in and for the
County aforesaid and a Justice of the county court being a court of record **Elizabeth
McMurry** a resident of the county of Robertson in the State of Tennessee, age eighty
four years who being duly sworn according to law doth on her oath make the following
declaration in order to obtain the benefits of the provision made by the Acts of Congress
ratified July 7th 1838, 3rd of March 1843, June 17th 1844, February 2nd 1848 and 29th July
1848 and other acts. That she is the widow of **Samuel McMurry** who was a Sergeant in
the War of the Revolution and also served as a private. She was young, not more than
twelve years old at the commencement of the Revolution. She and her husband were
raised in the State of North Carolina. His first tour of Service was under Captain Porter
and was stationed at first at McGauphey's? Station; this was in 1777 or the beginning of
1778. They were marched from there down the county to join the army near Calaba
[Catawba River], or somewhere down there. She cannot tell he was gone three months
and returned. His next tour was under the same Captain Porter, he enlisted, was drafted
or volunteered but she thinks he served as a volunteer, was mustered into service at the
same place as before and was Stationed at Salisbury and was at the Battle of Cross Creek
with the Tory Colonel McDaniel when he was taken. He entered the service again in
1779 under Captain Hardin and was gone three months, was marched to the South and
was in the Battle of Stones? He entered the Service again under Captain Porter or some
other Captain and was First Sergeant. He had to weigh out the meat for his company and
as she always heard him say was under great fatigue. Was at the Battle of Cowpens and
Kings Mountain and returned home. Served three months this tour and was discharged,
which discharge was lost with all the other discharged except the one hereto annexed
while under Captain Hardin. She has heard him relate his being at the taking or
dispersing a company of Tories under McGertey who was a Tory. She has seen the
discharges that were lost but cannot describe more than her recollection that during these
tours of Service he was at the Battle of Karnsams Mills and Stationed at Salisbury. She
thinks he was often on the Catawba **her husband and father** had taken several guns and
bayonets taken at Tarleton's defeat and after the war they made knives and forks out of
the bayonets. She could tell many things more about the service but deems it
unnecessary; her husband was out most of the time from 1777 to 1781, but she cannot
recollect or describe but these four tours of service and will say that she is satisfied he
served twelve months in four three months tours of service. And for this twelve months
she claims a pension. So soon as he was done his just tour of service he started for the
West and went round by Kentucky to Cumberland as Tennessee was then called; he
returned again in three or four years and affiant and said **Samuel McMurry** was married
on the 7th day of July 1786 Seventeen hundred and eighty six by a Justice of the Peace by
the name of John Flack in Rutherford County, North Carolina and shortly after they

moved to Robertson County when they have lived ever since, but they lived at Kilgore's Station. The county was full of Indians and was then a wilderness. She has no documentary evidence in support of her claim and she does not know whether her husband ever got pay from North Carolina for his Services or not. She further declares that her husband died on the 19th day of September 1829 and that she had remained a widow ever since that period and that she has never made application for a Pension until now. She had a record of her children's ages in her bible but her oldest took it off with him to the South of Missouri and she ___ parts unknown. She further declared that she has no other means of identifying his service but will rely upon such proof that she can produce.

Sworn to and subscribed before me on the day and year first above written.

James Sprouce {JP}
Justice of the Peace

her
Elizabeth x McMurry
Mark

State of Tennessee }
Robertson County } I James Sprouce one of the acting Justices of the Peace in
and for the county aforesaid do hereby certify that I am well acquainted with **Elizabeth McMurry** who has made the foregoing declaration. That she is a woman of good character and retentive memory and that full faith and credit are due her statements. I further certify that owing to old age and bodily inferments she cannot appear in open court to make this declaration.

In testamony whereof I have
Hereunto Set my hand and Seal
This 9th day of September 1851.

James Sprouce {JP}
Justice of the Peace

Know all men by these presents that I **Elizabeth McMurry** widow of **Samuel McMurry** of the County of Robertson and State of Tennessee do nominate and appoint Adam Fergusson to be my true and lawful attorney irrevocable for me and in my name to prosecute and establish my claim to a pension with power an attorney or attorneys under him to appoint to act in the premises and I further constitute and empower the said Fergusson my sole attorney to receive my Pension certificate when issued for my benefit, Hereby ratifying and confirming all the lawful acts that my said attorney shall do my viture hereof.

Witness my hand and Seal this 9th day of September 1851.

Her
Elizabeth x McMurry {Seal}
Mark

State of Tennessee }
Robertson County } I James Sprouce one of the acting Justice of the Peace in
and for the county aforesaid hereby certify that **Elizabeth Mc** who made the foregoing power of attorney is personally known to me and that she signed and acknowledged the same in my presence for the purposes therein contained on the day the same bears date.

In testamony whereof I have hereunto Set my hand and affixed

Seal this 9th day of September 1851.

James Sprouse {JP}
Justice of the Peace

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State of Tennessee }
Robertson County }

On this day personally appeared before me Madison C. Banks one of the acting Justices of the Peace in and for the county aforesaid **William Huddleston**, a resident of the county of Robertson in the State of Tennessee, aged eighty two years, who being duly sworn according to law makes oath that he was well acquainted with **Samuel McMurry** in the War of the Revolution, who lived in Rutherford County, North Carolina and that he recolect very well that he served the following tours of service and that his first tour was under Capt. William Porter as a Militiaman Volunteer and that he was Stationed a while at McGaughery? Station in commencement of the year 1778, and was marched down the county after the Tories and was with the main body of the Army he believed at Cataba and Cross Creek. He was not with them and cannot particularly the different places he was stationed at. He was gone three months and returned home with Captain Porter. His next tour of service was under the same Captain, was stationed at Salisbury a long time, and was busy in guarding the British prisoners and keeping down the Tories. He was at the Battle he thinks at this time at a place called Kamsons Mills and dispersing the Tories under a Tory Captain called McGirty. They had some service this time and he returned home after serving three months. This next tour of service was under Captain Benjamin Hardin and served three months in the State of South Carolina, was at the Battle of Stone. This was in 1779, and he returned home. He enlisted again as well as he recollects under Captain Hardin and was at the Battle of Kings Mountain, but cannot say whether he was at the Battle of the Cowpens or not as he was not with him and he does not recollect when he returned home, whether he heard him speak about it or not. He thinks from the best of his recollection that twelve months in four three months tours would not be as much as he served, but he is certain of the services above detailed. He was out several other small trips of of service besides the foregoing, but they were short periods, some times twenty days and sometimes longer. After his service **Samuel McMurry** came to Cumberland as West Tennessee was then called, and stayed several years and returned and married his wife whose maiden name was **Elizabeth Huddleston**, and as soon as they were married they then returned to Tennessee, where they have lived ever since. He recollects the marriage very well. They were married in July Seventeen hundred and eighty six, as well as he recollects it was about five or six years after the War and no longer. He served two of the above tours as orderly as first Seargent. He has been acquainted with them ever since, and knows they are the identical persons above described. **Mrs. McMurry** is affiants cousin

Sworn to and subscribed before me this 10th day of September 1851.

Test
Madison C. Banks
J.P. for said County

William Huddleston, Sig

State of Tennessee }

Robertson County } I Madison C. Banks one of the acting Justices of the Peace
in and for said county, do hereby certify that I am well acquainted with **William
Huddleston**, who has made the foregoing affidavit before me. That he is a man of good
character and veracity and that full faith and credit are due and of right ought to be given
to his statements. In testimony whereof I have hereunto Set my hand and affixed my Seal
this 10th day of September 1851.

M. C. Banks {J.P}
Justice of the Peace for said County

State of Tennessee }
Robertson County } I Joseph E. Winfield clerk of the County Court of said
Robertson County do hereby certify that James Sprouse and Madison C. Banks, whose
names appear to foregoing Declaration and the affidavits and certificates were at the time
their several attestations purports to bear date and now are acting Justices of the Peace
duly authorized to administer oath and duly commissioned and qualified to set as such
within the County and State aforesaid and that full faith and credit are due all their
official acts as such and that their signatures thereto are genuine.

In testimony whereof I have hereunto set my hand and affixed the
Seal of said Court at office in Springfield within the county of Robertson aforesaid this
11th day of September 1851.

J. E. Winfield Clerk

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State of Tennessee }
Robertson County } On the 11th day of September 1851 personally appeared
Letitia Huddleston a resident of Robertson County aged eighty years before me
Madison C. Banks one of the acting Justices of Peace in and for the county aforesaid and
made oath in due form of law that she is a cousin to **Mrs. Elizabeth McMurry**, widow
of **Samuel McMurry**. That she was raised close by them in Rutherford County, North
Carolina, that young as she was she well recollects the War of the Revolution and the
troublesome times her father was shot by the Tories in his own yard and she has good
reason to know something about the War. She states that **Samuel McMurry** served in
the following tours of service: She recollects seeing him march off with Captain Porter
his name was William Porter, he was a true whig and served under Captain Porter three
months. She saw when he went out and when he and the rest of the company returned
home. This was in the beginning of 1778 as well as she thinks they stayed but a little
time when they were called out again as volunteers and went down to Cross Creek and
had some hard fighting. Was stationed at Salisbury a long time and then returned home.
He served this time three months under Captain Porter. He entered the service again in
the Spring of 1779 under Captain Ben Hardin, was down in South Carolina and fought at
the Battle of Stone and Hamptons barn. He served this tour three months. He entered
again under Captain Hardin as a volunteer, was at the Battle of Kings Mountain and
Cowpens or Tarleton's defeat. He was Orderly Sergeant this last trip. She often heard
him relate the task he had in weighing provisions and in procuring something to eat. He
served this last time three months, making in all his service twelve months. He was out
other short trips after the Tories but these were so frequent that she cannot undertake to

describe them. She has a personal knowledge of their marriage as she and **Mrs. McMurry** were cousins. They were married on the Seventh day of July 1786 in Rutherford County, North Carolina by one John Flack a Justice of the Peace. She was present and saw **Samuel McMurry** and **Elizabeth Huddleston** married and formed as man and wife.

She has been acquainted with them ever since and knows them to be the same people and that **Samuel McMurry** died on the 19th day of September 1829. And that said **Elizabeth McMurry** has remained a widow ___ that period. Sworn to and subscribed before me this day and year first above written.

Madison C. Banks
J.P. for said county

her
Letty x Huddleston
mark

State of Tennessee }
Robertson County } I Madison C. Banks one of the acting Justices of the Peace and for the county aforesid do hereby certify that I am well acquainted with **Letty Huddleston** who has made the foregoing affidavit. That she is a woman of truth and veracity and that full faith and credit are due and of right ought to be given to her statements.

Witness whereof I have set my hand and official Seal this 11th day of September 1851.
Madison Co Banks {JP}

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State of Tennessee }
Robertson County } On this day personally appeared Peter Coker a resident of the county aforesaid aged sixty nine years before me Madison C. Banks one of the acting Justices of the Peace in and for the county aforesaid and made oath in due form of law that he became acquainted with **Samuel McMurry** about fifty years ago in Robertson County. That part of that time say, fifteen years of the first acquaintance, they lived within a mile of each other. That affiant during this time often heard **McMurry** tell about his Revolutionary services. He was at the Battle of Cross Creek, Stone, Kings Mountain, Tarleton defeat, Hamsons Mills affiant states that he heard him relate at least five times of three months each. I know I heard him say he served under Captains Hardin and Porter and served two three months tours as Orderly Sergant. I have heard him state that he lost some of his discharges but cannot say how many. From all I have heard him relate in his lifetime, I have no hesitation in fully believing he served at least twelve monhs in the War of the Revolution. I knew him well and he was a man of good character and respected for truth and veracity as much as any other man in the State of Tennessee.

Sworn to and subscribed before we this 11th day of September 1851.

Madison C. Banks
J.P. for said County

his
Peter x Coker
Mark

State of Tennessee }
Robertson County } I Madison C. Banks one of the acting Justices of the Peace in and for the county aforesaid do hereby certify that I am well acquainted with Peter

Coker who has made the foregoing affidavit before me. That he is a man of truth and veracity and that full faith and credit are due his statements.

In testimony whereof I have hereunto set my hand and seal this 11th day of September 1851

Madison C. Banks {JP}
Justice of the peace for said Cty

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Carthage Tennessee
22nd September 1851

Sir,

Included please find the Claim of **Mrs. Elizabeth McMurry** widow of **Samuel McMurry** for a Pension. This claim is founded upon the proof of Service by good witnesses and an original discharge for three months which is the only one they could find among his old papers. **Samuel McMurry** died before any Pension law embracing his case was proffered and the widow did not know her rights and only applied at this late day. In regard to the marriage no record is in existence about his marriage or the ages of her children as stated in her Declaration but her marriage has been abundantly proven by the living witnesses whose character are above reproach. I will send to the County of Rutherford and see if the Marriage record is in existence in the clerks office and send it to you to be filed if not found a certificate of the clerk showing that such record does not exist. Will be furnished if possible. In presenting this claim I cannot recommend its allowance too much or too zealously as I have taken care to interrogate the witnesses and herself with all the precaution that you could if present. You will therefore file the Claim to be examined in turn and before that time comes I will find the fact whether the marriage record or bond exists in Rutherford County, North Carolina and send it to be filed if not found then I presume the testimony of witnesses are to be received. I know this claim from all the information before me is a just one and as such request that the same be allowed as soon as practicable.

Respectfully,
A. Fergusson

James E. Heath Esqr
Commissioner of Pensions
Washington City

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State of North Carolina }
Rutherford County } I R.L. Gilkey clerk of the Court of Pleas & Quarter
Sessions in and for said County certify that I have carefully examined the records of my office and can find no bond for a marriage license between **Samuel McMurry** and his wife **Elizabeth**.

In testimony whereof I have hereunto affixed the seal of said Court at office this 12th day of Janury 1853.

R.L. Gilkey clk

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State of Tennessee }
Robertson County }

Know all men by these presents that I **Elizabeth McMurray** of the County of Robertson & State of Tennessee do hereby constitute & appoint irrevocably with powers of substitution Thomas S. Donoho & John W. Magill of Washington D.C. jointly or severally my true and lawful attorneys for me and in my behalf to prosecute my claim for a pension and refer you to my declaration already on file in the pension office, and to receive such certificate as may be issued making it payable at the agency in Nashville Tennessee hereby countermanding and revoking any power of attorney which may have been heretofore given & confirming all things that my attorneys the said Donoho & Magill or either of them may do in the primises.

In testimony whereof I have hereunto set my hand and seal this 25th day of July 1853.

Her

Elizabeth x McMurry {Seal}

Mark

Acknowledged before me the day & year last above written

James Sprouse Justice of the Peace {J.P.}

State of Tennessee }
Robertson County }

I Robert H. Murphey Clerk of the County Court for said County do hereby Certify that James Sprouse Esq. before whom the above acknowledgments was made was and is ___ Acting Justice of the Peace in and for said county duly elected commissioned and qualified and that full faith and Credit are due to all of his Official Acts as such.

In Witness whereof I hereto set my hand and Seal of said Court at Office the 30th day of July 1853.

R.H. Murphey Clerk

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State of Tennessee & Robertson County

On this day personally appeared **Elizabeth McMurry** Widow of **Samuel McMurry** a resident of the County and State aforesaid, aged about eighty seven years before me James Cook one of the acting Justice of the peace in and for said County who being duly sworn acording to law buys? leave to amend her Declaration heretofore made in order to obtain the benefits of the provisions made by the acts of Congress granting pensions to certain widows. That she is the widow of **Samuel McMurry** as heretofore state and was married in the year 1780 as before stated in Rutherford County, North Carolina. That since making her first declaration and describing her husbands services under Captains Hardin and Porter, She recolects that he was out another tour of service perhaps in the early part of his service. She is unable to know this service apart from what she has heretofore stated from a particular circumstance that happened in the neighborhood.

There was a young lady whose brother was in the service with her husband that happened to a misfortune of being delivered of a child and this was the cause of a fight between the brother and another man previous to the time of going out on one of them bit the others ear off. The husband was not in the fight nor concurred in it but when they went in the service this was spoken of by the friend of the parties. She cannot say who was the officer he then served under. She will mention another circumstance. She has a bottle her husband got in one of the battles he carved his name upon the same, but this was not in the tour of service above spoken of. This child grew up and was from years ate (eight) or thereabouts at the close of his services. These circumstances were the circumstances often spoken of by her husband with many others. She could relate she is satisfied now upon thinking more about the service That her husband was out most of the time from the time the war broke out until ended. She is lately been informed that the rolls of her husbands services or the payments made to him by the State of North Carolina show services in the war of the Revolution for perhaps ninety two years, she therefore claims all the service performed by him as her right as she is fully satisfied there was no other man in Rutherford or any of the adjoining county in North Carolina who served in the War of the Revolution by the name of **Samuel McMurry**, but her husband. And this she is unable to know from being raised there and her husband to told her there was but himself by that name in all the armies he was acquainted with in North Carolina.
 Sworn to and subscribed before
 Me this 18th day of October 1854.

James Cook {J.P.}
 Justice of the Peace

her
Elizabeth x McMurry
 Mark

State of Tennessee }
 Robertson County }

I James Cook one of the acting Justices of the Peace in and for this County do hereby certify that I am well acquainted with **Elizabeth McMurry** who has made the foregoing declaration. That she is unable to appear in court on account of bodily infirmity to make this Declaration, but is a woman of good memory considering her age. Also a woman that has always Supported a good character for truth and veracity and full credit should be given to her Statements.

The testimony whereof I have herunto
 Set my hand and affixed Seal this 18th October 1854.

James Cook {JP}
 Justice of the Peace

State of Tennessee Robertson County

I Robert H. Murphey Clerk of the County Court of said Robertson County do hereby certify that James Cook whose name appears to the foregoing Declaration and certificate is now and was at the time his said attestations purport to bear date one of the acting Justices of the Peace in and for the County of Robertson aforesaid duly commissioned and qualified to act as such and fully authorized to administer oaths and that full faith and credit are due and of right to be given to all his office acts as such and that his signatures thereto are genuine.

In testamony whereof I have

Hereunto set my hand & affixed the
Seal of said court at office in
Springfield this 18th day of
October 1854.

R.H. Murphey Clk

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State of Tennessee }
Robertson County }

On this day personally appeared **Henry Johnson** a resident of the county and State aforesaid aged eight-six years before me Jesse B. White one of the acting Justices of the Peace for said county, who being duly sworn according to law deposeth and says: I moved to this county in 1790 and became acquainted with **Samuel McMurry** and **Elizabeth McMurry** in that year. They were then living on the same place his widow now lives upon. They were then being together as man and wife and I have no doubt on information. I believe to be true they had been lawfully married in Rutherford County, North Carilina. At that time 1790 they had one son born whose name was **David** and my impresion is he was large enough to walk about. **Robert McMurry** was born afterward and is now present. There was a daughter born between the oldest and the youngest son whose name was **Elizabeth** and I have known them ever since the last mentioned period until **Samuel McMurry** died I never heard their marriage questioned. Sworn to before me and subscribers this 16th day of October 1854. Jesse B. White

H. Johnson

Robert McMurry a son of **Samuel McMurry** and **Elizabeth** his wife a resident of Robertson County and State of Tennessee being duly sworn deposeth and says I was born on the 4th September 1794 agreeable to my father and mothers declaration made to me at as early a period of my youth and my recolection can serve me, say about ten years of age. I saw the record of my age kept by my father and wrote it down about thirtyfive years ago and kept it ever since and am now about sixty years of age. I am the youngest son of my father and mothers children. My oldest Brother was born about five years before I was. He was the oldest child. My father and mother always told me they were married in 1786 in Rutherford County, North Carolina and moved to this county in 1787 (scratched out) the same year after they were married and raised a crop at Kilgores Station and settled the place where he lived and died upon in 1787. I know the date because my father after I grew up and learned to read often showed my his name and the date he settled there on beech trees which he had carved there the year he settled the place and often afterwords refered me to them and I have know them ever since and they are to be seen at any time his name and date 1787 is now plain and legibel. I have examined them on this day and showed them to **Abraham Baldwin**. I also affixed the record of my age to this declaration which is genuine and make it part of this affidavit. In regard to his Revolutionary Services I state that he often told about them. He served under Captains Porter and Hardin under General Butler, was at the Battle of Stone. **I have preserved a piece of brass which I made into a lamp** picked up by him on the battle ground said to be a piece of a cariage? of a Cannon. I cannot state how often he

was out. I believe he was out at times for two or three years. I think he must have served more than twelve months. I have no testations?? in saying that he is the same **Samuel McMurry** whose name is born on the records of the Revolutionary service in North Carolina as he served in that state and was originally from the State of Pennsylvania and settled in Rutherford County before the Revolution and might have lived in some of the adjoining counties.

Robert McMurry

Abraham Balwin a resident of the said county and State aged about thirty seven years, Deposeth and says upon information which he believes to be true and which was communicated to him by persons who were disinterested more than ten years ago and before my thought was even entertained of presenting this that **Samuel McMurry** served in the war of the Revolution off and on for two or three years during the time of the War in North Carolina. I was also shown the metals?? of the name of **Samuel McMurry** on some beach trees the date is 1787 said to be and is the date **Samuel McMurry** settled the place whereon his widow now lives. I am satisfied he must have served two years or thereabouts.

A. Baldwin

Personally appeared **Robert McMurry** and **Abraham Balwin** with whom I am personally acquainted and severally subscribed the same and were both duly sworn to the same

Before me this 16th day of October 1854.

W.W. Pepper
Justice of the 7th
Judicial Circuit
of Tennessee

State of Tennessee }
Robertson County } I Wesley W. Pepper Judge of the 7th Judicial Circuit of the
Courts of law in the state of Tennessee do hereby certify that I am well acquainted with Henry Johnson, who made oath to the foregoing affidavit before Jesse B. White Esqr and I am well acquainted with **Robert McMurry** and **Abraham Baldwin** whose affidavits above written were subscribed to and sworn to before me. That they are men of good character and every way entitled to full credit upon oath and from their statements. I am of opinion and fully satisfied that **Samuel McMurry** and his wife **Elizabeth** were lawfully married on or about the year 1786 in the County of Rutherford, North Carolina. And I further certify and am fully satisfied from the foregoing.

Statements and the reputation **Samuel McMurry** bore in his neighborhood as being a Soldier of the Revolution. That he is the identical **Samuel McMurry** whose name is mentioned in the Comptrollers certificate of North Carolina as having been paid for services rendered that State in the War of the Revolution mentioned in the report of the Commissioner of Pension of the 1st August 1854 which is now before me.

In testamony whereof I have hereunto set my hand and affixed my signature this 17th day of October 1854.

W.W. Pepper Judge
Of the 7th Circuit of

Tennessee

State of Tennessee }
Robertson County } I John S. Hutchinson clerk of the Circuit Court of the
County of Robertson in said State do certify, that Wesley W. Pepper whose name is
subscribed to the foregoing certificate is one of the Judges of the Circuit Courts for the
State aforesaid and assigned to hold the Circuit Courts in and for the 7th Judicial Circuit in
said State, duly Commissioned and qualified as such, and that his signatures thereto are
genuine.

In Testamony whreof I hereunto Set my hand and affixed my Seal of office This 18th day
of October AD 1854.

John S. Hutchinson

p.175
No. 6798
Elizabeth McMurray
Application Rejected
(No date)

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14467
Elizabeth McMurray
Wid of Samuel
Tenn
Oct 7 July '38
Let A. Ferguson Dec 4/51
Smith & Jones 16 Jun 1854
A.Ferguson Aug 1, 1854
B.Ferguson 22 Sep 1854
A.Ferguson 31 Oct 1854

6798

1838
A. Ferguson

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[The below is a certificate of service in the North Carolina Militia]

This is to Certify that **Samuel McMurry** a Sergeant Discharged from the North Carolina
Militia By serving three Months in the State of South Carolina in Col. McDonels
Regiment. Discharged by order of General Butler
This 11th Day of July 1779 Vsr me Captain

Benjamin Hardin

p.183

State of North Carolina }
Comptrollers Office }

I William J. Clarke, Comptroller of public accounts in and for the State aforesaid, do hereby certify that it appears of record in my office among the payments made by said State to sundry persons for Military services in the Revolutionary War, as follows, to wit:

Samuel McMurry

Book A. No. 11 page 39L 23 S 4 spices

“ “ “ 41L 3 S 4 spices

9 mos. & 20 Book G page 16 30L 2S this certificate was

taken up by the Sheriff of Rutherford County and by him paid into the Treasury in part of his taxes.

In testimony whereof I have hereunto subscribed my name and affixed my seal of office this 21st day of July 1854

Wm. J. Clarke, Comptr

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Pension Office
August 1st 1854

Sir,

I have examined the case of **Elizabeth McMurray**, widow of **Samuel**, of Tennessee, in connection with the certificate of the Comptroller of North Carolina. Her husband is not sufficiently identified with the soldier who received the Indents as certified in the certificate. One payment was taken up by the Sheriff of Rutherford Co and paid into the Treasury in part of his taxes. It should be shown in what year this was done, and it would be well if it could be shown when all the payments were made. The date of the marriage must be proved by witnesses who can show how they are enabled to fix the time. It is not sufficient that witnesses say the marriage took place in 1786, without adding any reasons for their ability to recollect so accurately the very day on which it occurred.

I am Respectfully

Your Obt. Sol.

S.P. Waldo

Commissioner

A. Fergusson, Esqr.
Present

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Washington City
July 28th 1854

Sir,

I wish to examine the case of Margory Holmes widow of Robert Holmes decd under Act 7th July 1838

Also the case of **Elizabeth McMurry**, widow of **Samuel McMurry** filed here by me in 1850 or 51 under act 7th July 1838 and Succeeding Acts ___ 38

Respectfully

A. Ferguson

S. P. Waldo Esqr
Comissiner of Pensions
Washington City

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Washington City July 28, 1854

Sir,

In the case of **Elizabeth McMurry** widow of **Samuel**, I herewith file the Comptroller Certificate of North Carolina and the certificate of the clerk of the Court of Rutherford County where they lived at the time of the Revolutionary War, showing that the record of marriage does not exist in said office. The marriage is amply and as we conclud [sic: conclude] satisfactorily proven by living witnesses who were known to the marriage. The payments made to **Samuel McMurry** were made to him from the Rutherford County District and one of them taken up by the Sheriff of Rutherford for **McMurrys** taxes which was customary. This identifies him to be the same man. The case is now made out and I hope you will find no objections to allow the pension be pleased to give her what is due for husband. Services. I need not dwell on the facts in the case as they are fine and all before you. We therefore expect a certificate for the amount of services Shown by the proof

Respectfully

A. Fergusson

S.P. Waldo Esqr
Commissioner of Pensions
Washington City

McMurry15.doc

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Carthage Tennessee
12th September 1854

Sir,

Inclosed you will find the power of attorney of **Mrs. Elizabeth McMurry** widow of **Samuel McMurry** of Robertson County Tennessee duly executed according to law revoking all powers of attorney heretofore made to others and placing the right to prosecute the claim back into my hands who first undertook the Claim for her. This was done without hesitation when she saw me; and her friends & she told me she was induuced?? to give the powers of attorney to Donoho & McGill and Smith and perhaps others upon false representations that I was not attending to the business, and perhaps was dead. I did not know of this until my recent visit to Washinton and on my return home took the earliest opportunity possible to see her and friends when the whole matter was unduston?? and that I had done all the labour and Jurying?? in the case. She

promptly replaced the business back into my hands which you will see by the enclosed power of attorney. You will thereofe se that my name is marked upon papers and registers as the last as well as the first and oly Attorney authorized to prosecute the claim and write me in reply to this letter of the reception of this power of attorney and the due notes of this letter.

Respectfully

S.P. Waldo Esqr
Commissioner of pensions

A. Fergusone

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State of Tennessee }
Robertson County }

Know all men by these presents that I **Elizabeth McMurray** (widow of **Samuel McMurray**) of Robertson County Tennessee do hereby appoint William H. Smith of Nashville, Tennessee my true and lawful attorney for one and in my name to prosecute my claim to pensions under Act 7 July 1838, 3 March '43 & c. Hereby revoking all powers of Attorneys at any time heretofore by me made. Witness my hand & seal, this 21 day of May, 1854

Attest
J. Hardway

his
Elizabeth x McMurry {Seal}
Mark

James Ing
Acknowledge before me this 31 day of May 1854
James Cook JP

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State of Tennessee }
Robertson County }

I hereby certify that James Cook Esq before whom the foregoing acknowledgement was taken and who has thereunto subscribed his name was at the time of so doing an authorized Justice of the Peace in and for the County aforesaid and that his signature thereto is genuine.

In Testimony thereof I have hereunto set my hand and affixed the Seal of the County Court of the County aforesaid this 3rd day of June 1854.

R.H. Murphey Clerk
Of the County Court of
Robertson County Tenn

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Nashville Tennessee
June 9, 1854

S.P. Waldo Esq
Comr of Pensions
Washington City
D.C.

Sir,

I herewith enclose you a Power of Attorney from **Mrs. Elizabeth McMurry** of Robertson County Tennessee, widow of **Samuel**. She is an applicant under Act 7 July 1838 as please file with her paper already on file and report to me here.

Respectfully

William H. Smith

Or Smith & Jones

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Carthage, Tennessee

23rd October 1854

Sir,

Included please find the certificate of Judge Pepper in the case of **Elizabeth McMurry** widow of **Samuel McMurry** for Pension under Act July 7th 1838 and all the subsequent acts enhancing her case. In your report of the 1st August last there were but two natural?? facts wanting to satisfy the Department. The first was sufficient identity and the next was for witnesses to give the fact to show how they were enabled to fix the exact time to a day. By going to the farm on which **Samuel McMurry** first settled and lived and died upon I am fully enabled to show a volume of proof if necessary that he carved his name on the smooth beach trees on the very year he settled the place "**1787**" a year previous they were married in North Carolina and came to Kilgores Station and raised a crop in that year. The witnesses who testified in the case in the first instance which were **Hudleston** and **Coker** are both dead, but I am informed that **Hudelstone** had writing in his possession of his fathers which was wrote on the very day **McMurry** was married hence the exactness of the computation of time. I suppose however you or the Government does not require the exact computation as if she was married in 1786 or 1787. She would have to 1794 to come under the act of 7th July 1838 so that the certificate of the Judge being the highest tribunal of the State except the Court of Errors and Appeals will be taken as true and satisfactory. I also append the statements of the witnesses. Unless the date of marriage ran near 1794, the exactness of the very day on which she was married would not be required as if we were Allowance?? makers. It is sufficient to show in ordinary cases that she was married beyond doubt previous to 1794. The Judge was raised in the neighborhood and well knew the character of the witnesses. Also well knew the character that **Samuel McMurry** bore as a soldier of the Revolution and he expressed his surprise to me that he had long ___tained that the claim was never prosecuted before it was. His own knowledge of thie facts gave him great af___ance in the case hence his witnesses to certify as he has done in the most conclusive manner his opinion. That he was the identical **Samuel McMurry** whose name is mentioned in the Comptrollers Certificate which I laid before him in order that he might Judiciously investigate the matter and things and fully understand them. I also append the ammended subsc___tion of **Mrs. McMurry** claiming the full amount of servcies her performed and mention in the Comptrollers Certificate. We are fully authorized to do this under the rules of Chancery proceeding when newly discovered proof is found out and also when recolections come into the mind of the complainant not before stated. I also send you

your own report of the 1st August 1854 so that no mistake may be made by the examiner which I find necessary from the numerous mistakes made while I was at Washington in August last all of which I am satisfied is not now necessary to call your attention in this case. Upon the whole I am fully satisfied the case is now fairly and fully made out and the Department will be fully authorized and justified in allowing the claim to the full extent of the Services mentioned in the Comptrollers Certificate. Be pleased to examine the claim without delay and forward her Pension certificate accordingly at as early a day as may suit your convictions.

Respectfully,
A. Fergusone

S.P. Waldo Esqr
Commissioner of Pensions
Washington City

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Whereas I have first made a power of attorney to Adam Fergusson of Carthage Tennessee authorising him to prosecute my claim to a pension and afterwards, I was persuaded to make a power of attorney to one Donoho & McGill revoking the first and afterwards execute another power of attorney to Wm. H. Smith of Nashville Tennessee and may have made other powers of attorney and I being satisfied that the said Fergusson has been at considerable expense and labor in preparing the papers in support of my claim. Now know all men by these presents that **I Elizabeth McMurry** widow of **Samuel McMurry** directed/deceased do hereby nominate and appoint the same Adam Fergusson to be my true and lawful attorney in fact for me and in my name, as first empowered to prosecute my claim to a pension. And to do and perform in my name any act or acts thing or things necessary to establish my claim. Agreeable to law and the rules of the pension office at Washington City. Hereby revoking and making void all and ever other power or powers of attorney heretofore made to any other person or persons whatever, except the said Fergusson, and make and execute this my power of attorney irrevokable which is to be final.

In testimony whereof I have Set my hand and Seal this 29th day of

August 1854.

Her
Elizabeth x McMurry {Seal}
Mark

Test.
A. Baldwin

State of Tennessee }
Robertson County } On this day personally appeared **Elizabeth McMurry**
before me James Cook one of the acting Justices of the Peace in and for said county, who

is personally known to me and a resident of the County and State aforesaid and acknowledged the foregoing power of attorney to be her act and deed

In testimony whereof I have hereunto Set my hand and affixed signature this 29th day of August 1854.

James Cook {Seal}
Justice of the Peace

State of Tennessee }
Robertson County }

I Robert H. Murphey Clerk of the County Court of said Robertson County do hereby certify that James Cook whose name appears to the ofregoinng acknowledgement of the foregoing power of attorney is now and was at the time his certificate above purports to bear date one of the acting Justices of the Peace in and for the County aforesaid duly commissioned and qualified as fully authorized by law to administer oaths and take acknowledgments and that full faith and credit are due all his official acts and that his signature above is genuine.

In testimony whereof I have hereunto set my hand and affixed Seal this 11th day of September 1854.

Robert H. Murphey Clerk

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