

62⁵ City Virg^a May
13th 1878 -

Sir,

I herewith transmit to your Department the affidavit of John Kilby one of the few survivors of those who participated in the sanguinary contest between the Boone Home Richard and the Scapis - at an early period of our Revolutionary war - He has ever been respected as one of the most gallant of men, and nothing could have driven him to this application but the necessities of a numerous family and his own advanced age - The application may not be precisely in the form required by your Department, but I presume you will prefer substance to form - In regard to the signature of the Judge not being accompanied by the seal of the court - that difficulty is readily gotten over when I inform you that our Superior courts in this State have no seal at this time nor ever have had one - By way of conclusion suffer me to remark that I have always understood that Kilby did serve in the action before mentioned and never have heard it doubted - And if the testimony herewith furnished

be not satisfactory of itself, you will find it fully
corroborated (I am instructed to say) by reference to the
Navy Office and calling for certain recommen-
dations forwarded to that office three or four years
ago, for some employment in the Navy.

I have the honour to be

Yr most obt

J. Tyler

The Honorable

J. C. Calhoun.