

Southern Campaign American Revolution Pension Statements and Rosters

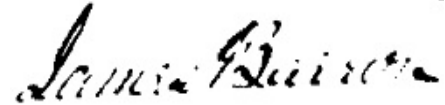
Virginia documents pertaining to Francis Mallory VAS3984
Transcribed and annotated by C. Leon Harris.

[From [rejected claims in the Library of Virginia](#). The online images in this important file are extremely poor.]

I certify that I knew Lt. Col. Francis Mallory of the State of Virg'a well. he was killed in the early part of the Revolutionary War in an action fought between [undeciphered] American troops commanded by him and a body of British Troops landed by Sir David Dundas [sic: Lt. Col. Thomas Dundas of the Royal Edinburgh Volunteers]. The action [several undeciphered words] the counties of York and Elizabeth [undeciphered] I well recollect that the valour displayed by Colo. Mallory was spoken of in [several undeciphered words]. The manly resistance, which the British Troops so [undeciphered] expedition unexpectedly encountered so enraged them that after Col. Mallory was shot down his body was inhumanly mangled by sabre cuts, and the hoofs of their horses so much so as to have been scarcely recognized. I have no doubt that there are persons yet living in Virginia, who were engaged in that gallant action. The impression upon my mind is that a large number of the American Troops were killed and wounded in that contest

James Barron [W12264]

[Washington City, 6 March 1834]



The affidavit of Mary C. Ward taken before me, on the 13th day of March 1834. The said Mary C. Ward being duly sworn states that she well remembers the Battle which was fought in the early part of the Revolutionary War between the British Troops and the American Troops near the York County line

In that battle Lieut. Colo. Francis Mallory of the Virginia State Troops [sic: see endnote] who then commanded the American detachment, was killed and his body was shockingly mangled according to the accounts of the day he was hacked and cut all to pieces. The British Troops were greatly superior to the Americans and it was supposed that the Americans lost in killed and wounded in that action from 50 to 60 men. [Elizabeth City County]

Mary C. Ward

I have no personal knowledge of the facts stated by Mrs. Ward in relation to the death and services of my grandfather Col. Francis Mallory but[?] I can speak of the [several undeciphered words] of family tradition. I have frequently seen the spot where he fell: and as it has been frequently pointed out to me; at the time of the occurrence my mother was living and I have frequently heard her say, that he had as many as eleven bayonet wounds being cut and mangled in a horrible manner previous to the death of my grandfather he had been taken prisoner by the British and had been put on his parole till exchanged by an officer of equal rank with himself.

John F. Wray

The affidavit of Catharine Lowry aged seventy one years states that she well remembers the death of Col. Francis Mallory who was killed while in actual service by the British in an engagement near the York County Line and that the body of Col. Mallory from the [part missing from bottom of page] mangled, and disfigured from cutting and hacking, that it was with difficulty recognized. Col. Mallory left at his death a wife and son and three daughters which son by the laws then in force became entitled to his real estate. On the death of this son ten[?] years after the real estate was [undeciphered] by a son named Chas King Mallory, born a few months after the death of Col. Mallory, Col. John [undeciphered], a grandson of Col. Mallory by a decision of our courts was among other descendants by the [undeciphered] line cut of from any interest in the Lands of Col. Mallory.

Catharine Lowry

[Elizabeth City County, 17 March 1834]

The affidavit of John Dewbre states that he distinctly remembers the action between the Americans commanded by Col. Mallory and the British under Col. Dundas in which Col. Mallory was barbarously killed. He also recollects the names of several persons shot in the engagement especially [undeciphered], John Langley & William Brim[?]. The Americans were stationed usually on Back River & marched up to meet the British whom they encountered near the [undeciphered] Bridge. He also recollects a fight between the Americans and a party of British in Warrick under a British Officer named Brown who was wounded in the [undeciphered] and taken prisoner with two others of his party. Brown was attended by Surgeons from the Fleet who came [undeciphered word] on shore for the purpose. Brown was carried afterward to Hampton where he remained till exchanged. [several undeciphered words] that Col. Mallory [undeciphered] was taken a prisoner by the enemy [part missing at bottom of page] a soldier in the war speak of being a prisoner with Col. Mallory, who while on parole carried a flag of a party that landed at Hampton.

John Dewbre

[Elizabeth City County, 17 March 1834]

The affidavit of George Hope states that he perfectly recollects the fight when Col. Francis Mallory was killed, having heard the firing of the guns and recollects that his father together with several others of the [several undeciphered words] were taken prisoner by the British and carried on board a ship lying in Hampton Roads. He also recollects that his brother in Law [undeciphered] Armistead was also in the action and he further states that he worked some time in his father's Ship yard afterwards with Thomas Pearce who was also in the fight and much injured and this person informed him that his life was saved by the interference of Dundas in person whose horse was shot under him by the said Thomas Pearce.

[Elizabeth City County, 17 March 1834]

Geo. Hope

Petition for Bounty Land

The Heirs of Francis Mallory Lt Colonel S. line

The proof in this case is full that Lt. Colo. Mallory was killed in the early part of the Revolutionary war: But there is no proof whatever, that he was Lieut. Colonel either of the State, or Continental, line. There is no proof of the time when he took command of the Corps commanded by him in the action, in which he fell.

If he was not in the regular service, his heirs would not be entitled to bounty land for his services. There is, as before stated, no proof offered, that he was in the Regular service; and I have none in my possession.

It would not be proper, in this state of facts, to allow bounty land: of this, however, your excellency will judge.

Respectfully submitted

To his Excellency/ Gov'r [John] Floyd

John H Smith Com'r &c/ March 21st 1834

Rejected Aug 5 1834

NOTE:

Lt. Col. Francis Mallory of the Elizabeth City County Militia (not state troops) had been captured and held on a prison ship until paroled (released on promise not to take up arms until exchanged). Violation of parole was considered a serious breach of honor.

The engagement is sometimes referred to as the Skirmish at Waters Creek (now Lake Maury in Newport News), and it is commemorated by a historical marker there near James River. Catharine Lowry's testimony above, however, states that the engagement occurred near the York County line, which is several miles north of Waters Creek. A location on the York County line is consistent with the statement by John L. Patterson in 1976 that the action occurred near Big Bethel:

During the months before Cornwallis was "bottled up" in Yorktown, the militia and volunteers of Elizabeth City County who were not fighting under Lafayette were called out several times to oppose marauding parties from the British ships in Hampton Roads.

On one of these occasions about forty British soldiers under Captain Brown landed at Newport News Point and foraged until opposed by a company of volunteers under Captain Edward Mallory, replacing his brother, Francis, who had been captured by the British a few weeks earlier. Brown was wounded and captured, but because he was well treated before he later died, the British released Francis Mallory. However, shortly after his release, Mallory was killed near Big Bethel on 8 March 1781, when about forty men under him and William Roscoe Wilson Curle engaged about two hundred British soldiers under Colonel Dundas, who were sent to destroy the post at the Halfway House.

(Revolutionary War Public Service Claim Records for Elizabeth City County, Virginia, p vi <https://crgis.ndc.nasa.gov/crgis/images/4/48/RevWar.pdf>). An entry in this work (p 11) indicates that the fighting was at Tompkins Ordinary.

Jim Gallagher in the 10 July 2014 issue of Journal of the American Revolution also gave the location as Big Bethel and near Tompkins Bridge.

(<https://allthingsliberty.com/2014/07/favorite-revolutionary-war-site-to-visit/>)

For additional details see William Brough R1267, Claudius Buster W25310, George Taylor S32548, and

<https://www.founderoftheday.com/founder-of-the-day/mallory#:~:text=Colonel%20Francis%20Mallory%20had%20signed,began%20sending%20soldiers%20to%20Virginia>