

## Southern Campaigns American Revolution Pension Statements & Rosters

Pension application of John Upton R10811  
Transcribed by Will Graves

Mary Upton

f93NC  
rev'd 3/17/10 & 4/25/21

[Methodology: Spelling, punctuation and/or grammar have been corrected in some instances for ease of reading and to facilitate searches of the database. Where the meaning is not compromised by adhering to the spelling, punctuation or grammar, no change has been made. Corrections or additional notes have been inserted within brackets or footnotes. Blanks appearing in the transcripts reflect blanks in the original. A bracketed question mark indicates that the word or words preceding it represent(s) a guess by me. The word 'illegible' or 'indcipherable' or 'undeciphered' appearing in brackets indicates that at the time I made the transcription, I was unable to decipher the word or phrase in question. Only materials pertinent to the military service of the veteran and to contemporary events have been transcribed. Affidavits that provide additional information on these events are included and genealogical information is abstracted, while standard, 'boilerplate' affidavits and attestations related solely to the application, and later nineteenth and twentieth century research requests for information have been omitted. I use speech recognition software to make all my transcriptions. Such software misinterprets my southern accent with unfortunate regularity and my poor proofreading skills fail to catch all misinterpretations. Also, dates or numbers which the software treats as numerals rather than words are not corrected: for example, the software transcribes "the eighth of June one thousand eighty six" as "the 8<sup>th</sup> of June 1786." Please call material errors or omissions to my attention. Researchers should not rely solely on the transcripts but should review the originals for themselves. These transcripts are intended as an aid to research, not to be used in lieu thereof.]

[p 2]

Province of Nova Scotia, County of Richmond, Hawksbury

On this seventeenth day of July in the year of our Toward 1846 before me, Charles Fortnum Harrington Esq., Judge of Probate and for Granting Letters of Administration, in and for the said County, it being a Court of Record; -- John Upton a resident of Hawksbury in said County, in the Province of Nova Scotia, aged about Eighty five Years, who being first duly sworn on the Holy Evangelists according to Law – doth on his Oath make the following Declaration, in order to obtain the benefit of the Provision made by the Act of Congress of the United States passed on the Seventh day of June 1832 = That he enlisted as a private in the Army of the United States of America, in the early part (being the winter) of the year 1877 [sic, 1777], either in the month of January of that year, or in the month of the previous December: that he was about sixteen years old at the time and left his father without his knowledge and consent, and enlisted with Sergeant Peter Harald at Norfolk and served in the Second North Carolina Regiment of the Continental line; joined under a Captain whose name was Crawford (I do not recollect his Christian name) [Charles Crawford], a Scotchman who did not go northward with the Army but as he, Declarant, was informed afterwards stopped at his home. That he, Declarant, served afterwards in a Company of which James Armstrong was Captain; the said Regiment was under the Command of General Nash [Francis Nash], and John Patton was its Lieutenant Colonel. That he was in service upwards of three years; and was engaged in several Battles; that his first engagement was at a place called Brandywine [September 11, 1777], in the autumn of the same year, on the Schuylkill River; the next was at Germantown [October 4, 1777] about three weeks after where General Nash was killed; that afterwards they went into winter quarters: and in the following summer went to Monmouth [June 28, 1778], and had another engagement which lasted well late in the Evening: he knew General Lee [Charles Lee] in the Army at Monmouth: they lay on the ground all night, the English this time retreating to a hill. Then declarant with his Regiment retreated to a place called Stoney Point [Stony Point] on the Hudson [River] there wintered three seasons in those parts, but Declarant from the lapse of time he cannot positively say now in what place he wintered then successively while with the army, before marched to the South; but he wintered once at Kakeya?? [? Schuylkill[?], once at Valley fords [sic, Valley Forge?] and once at Provostown[?]. That they were next ordered to the South, and arrived at Charleston and were then some time in Garrison there under General Lincoln [Benjamin Lincoln] at which time the City was besieged by the British: he, Declarant, was taken

prisoner by the British when the Town Surrendered,<sup>1</sup> and recollects among his fellow soldiers who were also taken prisoners at the same time by the British – Sam: Jewell [?Samuel Jewell or Lemuel Jewell], Miles Murphey and Lewis Telly [sic, Tilley?] and was put by them, the British, with his comrades, prisoners on board a British Frigate. Shortly after the British proposed to Declarant and his fellow prisoners to enlist in the Service of the British Army, which they all refused to do, at all times; and openly declared that they would never take arms against their native Country – the United States: he, with his fellow prisoners were continued to be detained prisoners as aforesaid and carried away to the West Indies and thence brought to Halifax in the fall of the Year when they were taken to [illegible word, looks like "BirchCove"<sup>2</sup>] County of Nova Scotia, above Halifax, and kept prisoners there all winter and then left there at their liberty. That he made three several attempts to escape from the British during this time and to get back to the United States, but could not succeed: that the next year he was forced, with others, to come to Manchester in the Eastern part of Nova Scotia, where he exposed to much privation and poverty, the country being almost an entire wilderness but little inhabited: that owing to these circumstances, he could not return to his native Country, and after having resided seven years at Manchester removed to Hawkesbury where he has continued to reside ever since—a period of upwards of Fifty three Years.

And Declarant further saith that he was born near Norfolk in Virginia and removed with his parents to North Carolina and at a place called Pasmotank [sic, Pasquotank ?], and that he was a resident of that place when he joined the Army in the American Service under General Washington; that the following are the names of some of the fellow soldiers as were in the same Company or Regiment with him namely, Francis Thoroughgood, James Harald, James Armsworthy and Sam: Glover who was a Sergeant. That Declarant's father, Josiah Upton and Declarant's Brother, Willis Upton, were in the same Regiment afterwards and fought in the Battle of Germantown but he has seen neither of them since, nor heard of them, and supposes them to have been slain in battle and Declarant further recollects that his Regiment was commanded and trained about this period by one Count D'Estaing, French General assisting the Americans. And Declarant further saith that at the time when he enlisted in the service of the United States of America as aforesaid his father owned a valuable landed property in North Carolina, but which has been wholly lost to Declarant in consequence of his having enlisted in the said service and subsequent events which are narrated above: That Declarant after some time residing in Manchester, met with a young woman by the name of Mary Proctor also a native of North Carolina and married her, with her, about 52 years ago -- and has lived with her ever since; that they have a large family of children, and are now in destitute circumstances, having some of his children with him: That Declarant has he hitherto enjoyed good health, but is infirm, owing to old age and principally to a rash or cutaneous disorder which now covers a great part of his body and prevents him from going from his house, and renders him wholly unable to leave his home, and that he verily believes that if he were to attempt to travel his life would be endangered, and that his remaining strength is not by any means sufficient to enable him to go from his house, on any occasion and to which he is wholly confined: And lastly Declarant says, that ever since his arrival in this Country he has endeavored and desired to return to his native place but his poverty, and his increasing family have prevented him, and that his residence in this Country has been always against his will.

Sworn to and subscribed:/ he being unable to write }

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<sup>1</sup> May 12, 1780 Battle of Charleston <http://www.myrevolutionarywar.com/battles/800401-charleston/>

<sup>2</sup> The War Department interpreted this as Birch Cove.

S/ John Upton, X his mark

the day and year aforesaid before me  
S/ Charles F. Harrington, Judge Prob.

[p 15: On April 4, 1853, Mary Upton, widow of John Upton, filed a power of attorney in which she describes herself as a resident of River Inhabitants Settlement in Richmond County, Island of Cape Breton, Nova Scotia. She says her husband was a farmer. She signed the document with her mark.]

[p 22]

State of North Carolina Office of Secretary of State

I, William Hill, Secretary of State, in and for the State of North Carolina, do hereby certify, that it appears from the muster-rolls of the Continental line of this State, in the Revolutionary War, that Francis Thorogood a private soldier in Captain Charles Allen's Company of the second Regiment, entered the service on the \_\_ day of \_\_ 1777 for the term of the War, and that he was a Corporal 15th of July 1779. That Samuel Glover a Sergeant in said Company and Regiment, entered the service in 1777 for the war, that he was a private in July 1779 and died the 23rd February 1780.

Given under my hand this 7th day of October 1846

S/ Wm Hill, Secretary of State

"These two are mentioned in Upton's  
declaration as fellow soldiers"

[p 23]

State of North Carolina Office of Secretary of State

I, William Hill, Secretary of State, in and for the State of North Carolina, do hereby certify, that it appears from the muster-rolls of the Continental line of this State, in the Revolutionary War, that John Upton a private Soldier in Captain Charles Allen's Company of the second Regiment, entered the service on the 14th day of December 1776 for the term of three years, that he was a Corporal in February 1779, a Warrant for bounty land for seven years service was issued to him on the 30th of September 1785 No. 2439 drawn by Captain Davis.

Given under my hand this seventh day of October 1846

S/ Wm Hill, Secretary of State

[p 25]

State of North Carolina Office of Secretary of State

I William Hill Secretary of State in and for the State of North Carolina, do hereby certify that a warrant for the services of John Upton, as a private Soldier in the revolutionary war, for 640 acres of land, drawn by Captain Davis on the 30th September 1785, of No. 2439, was issued from this Office as appears of record. At that time nothing more than the certificate of a field officer, was required by the State, to authorize the Secretary to issue and deliver all such warrants, to any person applying for the same.

Given under my hand this 18th day of May 1852.

S/ Wm Hill, Secretary of State

[p 26]

I John Upton of Hawksberry in the County of Richmond, Yroman [?]<sup>3</sup>, in the Province of Nova Scotia do hereby appoint John McLeod of River Inhabitants in the County of Inverness in the Province aforesaid, Esquire, my true and lawful attorney to obtain for me the evidence necessary to procure a pension for services as an American soldier -- in the war of the Revolution and to apply to the Secretary of State of North Carolina for certificates of all such evidence in his possession or control and generally to sign all papers and Documents for me necessary to procure the evidence of services as aforesaid and receive and give receipts for such pension, and for all money relating thereto which I may hereafter be entitled in my name, and to do all things necessary for the recovery of the said pension.

I was born in or near Norfolk in the State of Virginia and removed with my parents to North Carolina and lived at a place called Pasmestank [sic, Pasquotank] and joined the American service under General Washington in the winter of the year, 1777, in the second North Carolina Regiment commanded by General Nash, Lieutenant Colonel John Patton and Captain Thomas Armstrong our first engagement was at a place called Brandywine on the Schuylkill River: the next was at German Town where General Nash was killed; we soon after came to Monmouth and had another engagement which lasted from eight in the morning till late in the evening and we lay on the ground all night, the English this time retreating to a Hill, after this engagement, we returned to a place called "Stoney-Point" we were next ordered to march to Charleston, and were in Garrison there for some time under General Lincoln; I was taken prisoner by the English when the Town surrendered and was detained by them; I was brought to Halifax Nova Scotia on board a British Frigate and never since was able to return to my native land and have resided for the last 52 years and upwards as a farmer and fisherman at Hawksberry aforesaid. In witness whereof I have set my hand and seal to these presents at Hawksberry aforesaid this 14th day of March in the year of our Lord 1845.

Signed sealed and delivered in presence of

S/ John Upton, X his mark

S/ Charles F. Harrington

[p 30]

Mary Upton of Hawksberry in the County of Richmond and Province of Nova Scotia, wife of John Upton who is applying for a pension under Act of Congress of 7th of June 1832, having been duly sworn on the Holy Evangelist deposes as follows, That in the year of our Lord 1788 deponent was then residing with her mother at the Gut of Canso in Nova Scotia, and then and there first met and became acquainted with the said John Upton, and a short time after was married to him, and has ever since lived with him and his wife. That, at that time the said John was a poor laboring man procuring his livelihood by fishing with both line and hook. There being no other means of taking fish at that time, either by net or otherwise owing to the poverty of the Country. That the whole Eastern section of Nova Scotia was then a wilderness with but a few scattered inhabitants.

That there was not then, nor until several years had elapsed, within the knowledge of deponent, any accessible communication or means of intercourse, between these parts of Nova Scotia and the United States of America.

That for several years from the time of deponent's marriage as aforesaid, all that this section of Nova Scotia was destitute of provisions, and suffered much in consequence. The inhabitants being obliged every year to resort, during the winter season, to digging clams, through the ice, on the shore -- that flour was then generally at the price of seven pounds per barrel, turnips but at five shillings per bushel, and other articles of food in proportion and that from the poor circumstances of the inhabitants generally, deponent can amply confirm on oath, that one in 100 of them could not procure sufficient means to remove from the Country.

That shortly after deponent's marriage a family began to embarrass the said John, and to require all his assertions to support them which was added to the insuperable obstacles that detained him in this Country against his will.

That the said John was always resolved to return to the United States of America, if possible, and had used every exertion from the time of the marriage to remove himself and family thither, and about six years after, had made such preparation as would have been successful, having got a chance of a passage, and it's secured the same, but being at the same time indebted in a small sum to a merchant in Guysborough, the said John was prevented by process of law from departing: nor has he ever since had it in his power to remove from this Country.

That the said John has never at any time fought for nor received any gifts of land or other favor whatever from the British Government. That the said John was always known and distinguished, as an adherent to the Government of the United States, and obtained much mirth and prejudice thereby, he being generally called "the Rebel" by the British, for his attachment to the United States, and also subject to quarrels and insults for the same. That deponent always knew you the said John from her first acquaintance with him to be warmly attached to the United States, and at all times, when occasion offered, violently asserted the honor of the Union, nor has deponent ever heard any other settlement from him and verily believes that he had no other, on the subject: and deponent is assured that he never did any act since her past acquaintance with him contrary to his duty and allegiance as a subject of the Union.

And deponent further saith that since the last six months the said John has become much more infirm, and has so lost his hearing that it is nearly impossible to make him here. That his reason is very much impaired and his faculties in general very feeble and now is wholly confined to his bed. That deponent believes this rapid progress in his decline is owing mainly to the privations of poverty, and the effects of the Cutaneous disorder he is afflicted with, and cannot possibly live long.

Lastly deponent saith that she prays but justice and benevolence of the United States Government will not delay its decision, in awarding his pension, that he may have some means therefrom to rescue him for the short time he shall remain on earth from some of the accumulated sufferings that he has endured so long from poverty and illness.

S/ Mary Upton, X her mark

[p 37]

Raleigh 12th June 1846

Mr. Pierre Irving

Sir:

Your favor of the eighth instant was received yesterday and I have used my utmost endeavors to find out what had been done with the Warrant issued for the services of John Upton, but have not succeeded. His warrant was issued on the 30th of September 1785 for 640

acres of land, drawn from the Office by a Captain Joshua Davis. The Warrant was No. 2439. From the name, number and date it can be ascertained whether or not a grant has ever been issued on it in Tennessee. As before said no grant has issued on it by this state. Tennessee was authorized (I think) in 1806 to issue grants and has exercised that power ever since. By writing to the Secretary of State of Tennessee you can, I have no doubt, obtain the desired information. There was, a few years past, and may yet be, a gentleman residing in your city (Jesse Blackfan [?]) who once resided in Nashville Tennessee, and who was well acquainted with the land business of that State. If you could see him, he could probably name some friend in Nashville who would attend to the matter for you. I cannot direct you where to find Mr. Blackfan but you perhaps have a directory which will enable you to find him.

The \$1 sent will pay me for my services.

Yours respectfully

Wm Hill [NC Secretary of State]

[p 49 . There is a reference in an affidavit dated April 24, 1847 to the veteran and his wife having a crippled son and of the family being objects of charity.]

[p 51]

State of North Carolina Office of Secretary of State

I William Hill Secretary of State in and for the State of North Carolina, do hereby certify, that I have been informed and believe, that the certificates of the Field Officers on which warrants issued to the officers and soldiers of the Continental line of this State for their services in the revolutionary war, were sent to Philadelphia to aid the Commissioners in settling the Army accounts in the year 1791. That no certificate of the kind is to be found in this Office of a prior date to 1791. It appears it was customary for Field Officers to certify for many of their Soldiers, draw their warrants for them without any authority from the Soldiers. It appears Captain Davis drew many warrants, as did many other Captains.

Given under my hand this fifth of June 1852

S/ Wm Hill, Secretary of State

[p 82]

Pension Office February 5th 1853

Sir:

I have the honor to make the following report in the case of John Upton of Nova Scotia, an applicant for the benefit of the Act of June 7th 1832, in which Alexander Ray Esquire has appealed from the decision of this Office.

In July, 1846, John Upton, then being a resident of the County of Richmond, in the Province of Nova Scotia, made a declaration under the Act of June 7th 1832, in which he stated he enlisted as a private in Norfolk Virginia in 1777, in the 2nd Regiment of the Continental Line of North Carolina! That he was in service upwards of three years, etc.; and was taken prisoner at the surrender of Charleston SC, carried to Halifax, and thence to Birch Cove, and kept in the Province of Nova Scotia as a prisoner till after the proclamation of peace, when he was released, but since that event has been unable to return to his native country. The claim was supported by parole proof, showing very clearly that Upton was regarded in Nova Scotia as having been an American soldier, and also by a certificate from the Secretary of State of North Carolina, showing that a John Upton was a private soldier of Captain Charles Allen's company of the 2nd

Regiment of the North Carolina line, and had a warrant for Bounty Land issued to him on the 30th of September 1785. There was, in addition, evidence from the said Secretary's Office showing that certain soldiers whom Upton claimed to have been his comrades, were borne on the rolls of the Continental Line. Without questioning the identity of the claimant, the conviction was irresistible, when the claim was first examined, on the third of November, 1846, that Upton, like many of his comrades, who were carried off by the British from Charleston, had yielded to the seductive influences of the enemy, and traitorously abandoned the cause of his country, as he himself confessed he was tempted to do; for we were at a loss to understand how he could have been detained in the Province against his will, and especially, as the enemy, if Upton had proved faithful to the cause of his country, was bound to return him to it, under the articles of the Treaty of Peace. Among other facts which strengthen this conviction, was one stated by Upton himself, viz.: separation from his fellow prisoners, and his settlement in a different part of the Problems from that in which they were detained. Nova Scotia, it is well-known, was the common resort of those opposed to the cause of Independence, and there is but little doubt in my mind, that Upton remained there voluntarily, and was regarded as a British subject. Among other evils which, it is alluded, befell Upton, in consequence of his detention, was his failure to receive a portion of his father's estate. This fact also confirms the opinion of this Office, that he had compromised his character as an American citizen, and which, being known to his father, induced him to debar Upton from his share of the paternal estate, and also prevented him from claiming the land awarded by North Carolina. In brief, it is my opinion that Upton forfeited his allegiance; and, conscious of the fact, abstained from claiming the protection of the American Government, "and would not have appealed to it now for a pension, if age had not lessened been to the sense of his defection." The paper is numbered from 1 to 6 are here with enclosed.

I have the honor to be,

Very respectfully,

Your Obedient Servant,

S/ J. E. Heath

Commissioner