

[Southern Campaigns American Revolution Pension Statements and Rosters](#)

Pension Application of Thomas Carter R12974

VA

Transcribed and annotated by C. Leon Harris. Revised 11 May 2015.

[The original of the following is in the [Library of Virginia Legislative Petitions Digital Collection](#)/  
Caroline County]

To the Senate and House of Delegates of the General Assembly.

The Petition of James Brodnax Carter, John Michell Carter, Rebecca Brodnax Stanard (formerly Carter) Jane Maria Carter and William B Boyd in right of his wife Lucy Gray Edmunds Boyd (formerly Carter) – respectively sheweth – that the said James, John, Rebecca, Jane and Lucy are the only children and heirs at law of Doctor Thomas Carter deceased. That the said Doctor Carter departed this life in the year 1800 intestate and insolvent laving a widow and the aforesaid children; and his widow survived him but a few months – that it appears from books filed in the Auditors Office that the said Doctor Carter was a Surgeon’s mate in the army of the United States from the 27<sup>th</sup> day of May 1779 to the 17<sup>th</sup> day of February 1780 to which time a settlement in full was made between him and the United States. That in the year 1780, he was appointed Surgeon in the Corps of State Cavalry under the command of Major John Nelson and marched to the South in the same year –that in the year 1782 [18 Jan] when the state troops were consolidated into a Legionary Corps under the command of Lieutenant Colonel Charles Dabney, he was continued as Surgeon to the Legion and served until the proclamation of peace and the troops were all discharged. That it appears by the Auditor’s book that a certificate issued on the 20<sup>th</sup> of February 1782 in favour of Doctor Carter for £324 for advance pay on account, and that the balance of his pay to the declaration of peace remains still due and unpaid. That under the laws for giving commutation of five years full pay to each officer of the continental line in lieu of half pay for life, the said Doctor Carter presented his claim to the Auditor which was rejected and from which decision of the Auditor an appeal was taken among many other claimants but finally decided unfavorably to them, in the Court of Appeals, without prejudice. That some who were thus situated, have since applied to the Legislature and their claims have been allowed, particularly Colonel William Campbell who not only recovered the principal of his commutation pay, but also the interest accruing thereon. See the acts of Assembly of 1818 - ‘19. That the said Doctor Carter did not in his life time receive either his additional pay or his commutation pay, nor has any person since his death received either of them or any part. Your petitioners therefore not only think themselves entitled to receive the additional pay for the services of Doctor Carter actually rendered to the end of the war and the commutation pay for five years in lieu of half pay for life, but also for interest on these respective sums from the time that payment was first demanded of the Auditor and rejected by him. That your petitioners confiding in the justice of their claim and being without remedy elsewhere, rely upon the magnanimity of the Legislature to extend to them that justice and liberality which their case demands; and which as late as the last session was extended to several others. Your petitioners herewith offer unquestionable documents in support of the foregoing statements to wit: Certificates and a letter from the Auditor marked A – the affidavit of Samuel Tinsley [pension application S6243] late Lieutenant of State Cavalry, marked B – the affidavit of John Nelson late commandant State Cavalry marked C. and the certificate of Charles Dabney Colonel S. L. marked D. – all which is respectfully submitted. and your petitioners will ever pray &c.

[Copy certified as having been presented at the 1825-26 session of the Virginia House of Delegates – documents A, C, and D missing. See below for B.]

Dr Sir                      December 25<sup>th</sup>    Medon Madison Cty. Tenn

Through the reference of Mr Fulton of Jackson I apply to you to examine into the claim of my father Dr Thomas Carter for services rendered by him in the Revolutionary War, and if not in your power to attend to it, please employ a competent Attorney and pay him what pr cent you think proper if he should be successful, it not successful I am not able to pay any thing for his services, please reply to

me as soon as convenient, and address to Medon Madison Cty Tennessee

Respectfully yours  
Mrs Lucy G Boyd

P.S. I subjoin a copy of an old petition, I have had in my possession for some time, thinking it might be useful to you in the recovery of the above mentioned claim.

Dr Thomas Carter was surgeon of a corps of cavalry under the command of Major John Nelson in Col Chas Dabney's legion of the Virga State Line in the Revolutionary war which legion was composed of remnants of the state troops consolidated after the surrender of the British at Yorktown, in [19 Oct] 1781. Dr Carter served in this capacity until the last reduction of officers in Col Dabney's legion on the 8th of February 1783 when he was discharged with many other officers as supernumerary. This is proved by documents on file with the petition now before Congress. An act of the Virga assembly of 1779 promised half pay for life to those of the state line who should serve to the end of the war, or becoming supernumerary by the reduction of any of the corps or battalions and if afterwards required should again enter the service and continue therein to the end of the war. Dr Carter being discharged so near the end of the war, or the Virga proclamation of peace which was the 21st of April 1783 was again called into service, consequently was entitled to his half pay certificates annually bearing the date of his discharge to carry interest from such date if not punctually paid But joint resolutions of both houses of the Virga Assembly of December 1783 directed the auditor not to issue any more certificates until the further orders of the Legislature for the reason as was supposed from the inadequacy of the Public finances to meet them & from the depreciated value of those certificates which had been issued and also as was supposed with view to ascertain whether Congress would not make a similar provision for the Virga Troops in the state line as had been provided for her quota of the continental line. These resolutions were continued in force until the year 1790 when they were repealed as to officers of the state line serving to the end of the war in consequence of a memorial from them and in the spring of 1791, a number of officers demanded of the auditor their certificates who refused to issue them from a doubt arising with him whether supernumerary officers were entitled to half pay not being in actual service till the proclamation of peace. An appeal was taken from the decision of the Auditor to the district and Dr Carter was among the number which court gave judgment in their favor for 5 years comutation with interest agreeably to an act allowing 5 years comutation in lieu of the half pay for life but the Attorney General took an appeal from this decision which was reversed by the court of appeals (copies of which judgment and reversal filed with the petition) There those cases stood until 1830 when Capt [Thomas] Lilly's of the Navy representatives brought a suit for his half pay and the court of appeals in that case discovered an error which had been committed in the decision of the former court of appeals in regard to some regiments of state officers (who were not embraced within the provision of the act of 1779) and those of the regular state line and the court decided in favor of Lilly's claim for 5 years comutation and interest See Judge Coalter's opinion in this case Vol 1, Report Sess 22nd Congress Then Congress by act of 5th July 1832 assumed and provided for all the officers of the Virga regular state line. It was under this act of Congress that the heirs of Dr Thomas Carter rec'd his half pay, but as that act did not in express terms direct the payment of interest, the Secretary of the Treasury did not allow it as not coming specially within its provisions. The comutation of 5 yrs full pay in lieu of half pay for life was but a compromise in gross for the immediate benefit of the officers but not being liquidated within the time when it was to their benefit to receive throws them back on their right to the half pay with its occuring interest. Dr Carter lived 17 years after the war and it is the interest on the half pay rec'd by his heirs under the act of Congress of 1838 that they now seek to recover as they of right ought to have election. Virga has claims now before Congress for upwards of \$50,000 on judgments rendered by the courts and on claims granted by the Legislature for principal and interest. And if Congress allows these, surely the heirs of Dr Carter are equally entitled to interest in virtue of special act providing for the payment of the principal or half pay. After the revolution war, Congress passed a funding act by which the war debt was funded which bore 6 pr cent interest, and was not finally paid off until Gen Jackson's administration which funded debt provided for the payment of all the continental troops state as well as federal. the Virga troops on continental line were thus provided for. suppose then that act had embraced the troops of the Virga state

line not on continental line that debt would also have been bearing interest up to the above mentioned period but as no provision was made for them by Congress until the act of 1832 it is clearly a matter of right that the state line should [the rest missing]

[The heirs of Thomas Carter filed similar petitions that are found in [Library of Virginia Legislative Petitions Digital Collection](#) from the counties of Hanover, Pocahontas, and Shenandoah. The following is with the petition from Hanover County.]

I do Certify that Doctor Thomas Carter acted as Surgeon during the revolutionary War in the State Corps of Cavalry commanded by Major John Nelson untill the consolidation of the state Troops into a Legionary Corps under the Command of Colo. Charles Dabney and that he continued in service till all the troops of the State line were discharged – I do further Certify that Doctor Carter discharged the duties of his office with great ability and fidelity. Given under my hand in Hanover County this 22 day of Sep'r. 1825. Sam'l Tensley Late Lt State Cavalry [sic: Samuel Tinsley S6243]

[The following is among the [Revolutionary bounty-warrant papers in the Library of Virginia.](#)] This is to Certify that Doct'r. Thomas Carter was appointed Surgeon to the State troops of Cavalry the 1<sup>st</sup> day of Feb'ry 1780 in which he served the term of three years successively  
Wmsburg/ May 20<sup>th</sup> 83 J. Nelson