

Southern Campaign American Revolution Pension Statements

Pension Application of Walter King Cole R13238

Transcribed and annotated by C. Leon Harris

Extract from the Journal of the House of Delegates of the 16th of June 1780.

“Mr Richard Henry Lee reported from the Committee of Propositions and Grievances that the Committee had according to order had under their consideration the memorial of Walter King Cole to them referred and had agreed to a report and resolution thereupon which he read in his place and afterwards delivered in at the Clerks Table where the same were again twice read and agreed to by the house as followeth:”

“It appears to your Committee, that the said Walter King Cole, before and since the commencement of the present war, received repeated assurances from Walter King esqr. his reputed father, that he intended to make a handsome provision for him out of his estate in Virginia; that during his minority the said Walter King was at the expense of educating and maintaining him; that Benjamin Waller esqr. who was the said Walter Kings former agent, received a letter from him, directing a conveyance of his Leatherwood lands [in the eastern part of present Henry County], to the said Walter King Cole, before the commencement of this war, which hath been since repeated, but by some means or other the conveyance was never made; that the said Walter King Cole early in the present contest entered into our Army and continued therein until the spring of the year 1779, when apprehending the assembly would pass an act to confiscate British property, whereby he should be deprived of what his father intended him, he left this Commonwealth in order to visit the said Walter King and to obtain from him a conveyance for that part of his Virginia estate which he had repeatedly promised him, on his voyage thither, he was captivated by the enemy, which retarded his arrival in Great Britain until the fall of the year 1779; that after his arrival to wit: the 1st day of December 1779 the said Walter King executed a deed to him, whereby he conveyed all his lands in the County of Henry, called the Leatherwood and Wart Mountain lands; also 1900 acres of land in the County of Amherst, together with all the stocks, Negroes, and plantation utensils thereon, that immediately after the said Walter Cole had obtained the deed aforesaid, he left Great Britain, and on the 1st of May last arrived in this Commonwealth; that previous to his arrival the lands Negroes and other estate conveyed to him in the County of Amherst had been sold under the act of assembly concerning escheats and forfeitures from British subjects; and that the lands in the County of Henry had been escheated, but not sold, and since his arrival here, the lands near the Wart Mountain had been prevented from being sold by an injunction; and that the sale of the Leatherwood lands had also been stopt by injunction.”

“Whereupon the Committee came to the following resolution:”

“Resolved that the memorial of the said Walter King Cole praying to have restored to him the estate conveyed his as aforesaid is reasonable,” [End of extract. Copy of original in Library of Virginia, Legislative Petitions, Reel 89, Box 119, File 4]

State of Virginia } to wit

City of Richmond }

I George W. Munford Clerk of the House of Delegates and Keeper of the Rolls of the Commonwealth of Virginia do hereby certify that the foregoing is a true extract from the Journal of the House of Delegates of the sixteenth of June seventeen hundred and eighty. Given under my hand this 26th day of January 1852. George W. Munford, C.H.D & Keeper of the Rolls of Va.

[Copy]

Dear Sir You seemed not to be determined with respect to inoculating the new recruits [for small pox] . I beg pardon for having mentioned in the public manner I did - it was owing to my having been off my guard - if you should think proper that they should receive the infection, I will most cheerfully give it, & pay every attention that a man can possibly do. My acquaintance with Colo Davies I hope makes a full testimony of my abilities, whether I am capable of undertaking the charge or not. Should what I have said & wrote meet with your approbation you'll will please to let me know by a letter directed to me, to be left at Galts in Richmond

I have the honor to be D. Sir Yr Hbl Servt

W. King Cole

Colo Wm Davies

Comment on the back of the letter "From Dr. Cole respecting inoculating the new levies — May 1781"

Colo Wm Davies at the Fork

To the Hon'ble Speaker and House of Delegates

The Petition of Walter King Cole, humbly sheweth:

That your petitioner some time in the month of April 1776 was appointed a surgeon in the State Navy in which character and as an Hospital Surgeon he continued to discharge his duty to the utmost of his abilities, until June 1777, when your petitioner was appointed Surgeon in the first Virginia State Regiment then commanded by Colo. George Gibson.

That your petitioner marched with the said Regiment to the northward and acted as Surgeon thereof until November 1778, when your petitioners private affairs obliged him to resign, and return to Virginia. That your petitioner after an interval about two or three months, again entered into the service in the hospital department under the directions of Doctor [William] Rickman and continued therein till when he was appointed surgeon to the Fanny, a vessel belonging to the State, bound to France, which vessel was captured by the Enemy, in consequence of which your petitioner was plundered of his money and cloathes; and kept a considerable time in Captivity.

Your Petitioner further represents that under the present laws of the State, he is excluded from the bounty of Lands allowed a regimental surgeon, because he did not serve as a Regimental surgeon, the term of three years, altho' he was a much longer term in service under the different appointments of a surgeon of the Navy, a Regimental Surgeon and a hospital Surgeon.

Your petitioner conceiving he has an equitable claim to the same proportion of lands as is allowed a regimental surgeon, and confiding in the justice of the Honble House, humbly hopes they will take the matter into their consideration and grant him such relief as will place him in his Claims to lands upon a footing with Regimental Surgeons who have served three years

And your petitioner as in duty bound will ever pray

State of Virginia }

City of Richmond } to wit:

I George W. Munford Clerk of the House of Delegates & Keeper of the Rolls of Virginia do hereby certify that the foregoing is a true copy of a petition on file in my office & presented to the General Assembly on the 30th of May 1783. Given under my hand this 29th July 1851

George W. Munford C.H.D & Keeper of the Rolls of Va.

State of Virginia

Henry County to wit

The certificate of John Reamy aged eighty one years of said County and State aforesaid, made in the said county of Henry, states that Doctor Walter King Cole, whose heirs are now applying for the pension money due him, under act of Congress approved July the 5th 1832 died in the County aforesaid (as he understands as is registered in the family Bible of the said Walter King Cole, which he has no doubt is correct) on the 7th day of February 1794 leaving only one child (never having had but one) Samuel M. Cole, who departed this life some time in the year 1817 leaving five children, namely Walter King Cole, Edwin W Cole, Alonzo F Cole, Nathaniel R Cole and Sarah M. Cole. That the said Edwin W Cole died unmarried and childless, and that the said Alonzo F departed this life leaving one child Mary Anne, and his widow, Jane Cole. That Sarah M Cole married Patrick H Fontaine, who has since died leaving six children.

The said Walter King Cole, Nathaniel R. Cole and Sarah M. and children, are all living in the County aforesaid.

The said Nathaniel R Cole is the administrator of both Alonzo F Cole and Patrick H Fontaine, and the Guardian of the children of his sister Sarah M.

That the foregoing are all the heirs of the said Doctor Walter King Cole. The said John Reamy further states that he, during the life time of the said Doctor Walter King Cole, had

frequently heard the question asked whether or not the said Doctor Walter King Cole was a good physician and heard it given in answer that he was a surgeon in the Revolutionary army & of course must be a good doctor

Given under my hand and seal this the 27th day of May 1851. [signed] John Reamy

[Punctuation partly corrected]

Sir/ Preliminary to a compliance with your regulations, I offer, for your consideration, the following statement.

In April last, I heard that Mr Heath had allowed half pay for the services of Corbin Griffin [pension application R56-C], as surgeon to the hospital at York Town, throughout the war: having been employed, many years ago, by the executor of Dr Griffin, and having obtained record proof that Dr Griffin had no claim, I called on Mr Heath, and told him that he had been deceived: that the records in the auditors office in Richmond from whence he came, proved, that Dr Griffin, if in the service as a surgeon, was in the Navy: that he could have proved that Mathew Pope was surgeon in the Hospital at York from May 77 until it was discontinued [see note below]. I believed that Mr Heath acted conscientiously, but very negligently. I thought that he would make the claimant respond. This information made him my enemy, and he has rejected every claim which I have presented. Griffins agent was his personal friend, and he decided his claim on parole evidence alone, without secreting[?]. The agent of Diggs [Edward Diggs, pension application R13760] is his personal friend, and he decided that claim with the fraud staring him in his face.

To defeat the claim of William Reynolds [pension application R17380], which I presented, he called in his agent in Richmond. He denied the legality of the Executive of Virginia in his decision that Reynolds was an officer: he had received bounty land as an officer, and surely he was an officer when he claimed half pay: nevertheless, Mr Heath rejected the claim. I appealed to you, and you allowed it. I presented the claim of Thomas Slaughter for half pay [pension application R17889] The Executive of Virginia had given him land bounty as a Lieut. He had received a final settlement certificate as a State Quartermaster. The legislature of Virginia, by a joint resolution, directed that Qr Mr should be taken from the line: parole testimony of great respectability was offered to prove that Slaughter was a Lieut. it was repudiated here, but was all sufficient to establish Griffins claim. The claim was rejected on the shallow pretext that Gen'l [Edward] Stevens was a militia Gen'l, because he commanded the militia, and Slaughter, being his Qr. M. was a militia Qr. M. Lafayette, Stuben [sic: Baron von Steuben], and Stevens were all continental officers: they commanded the State troops and militia. It would be less absurd to say, that the men commanded by them were continentals.

Mr Heath has rejected the claim of Walter King Cole. "There being a total want of evidence to sustain the claim." A committee of the Virginia house of delegates, in the 16th June 1780 reported, that Walter King Cole entered the army at an early period of the contest and continued in it until the spring of 1779, when he went to England, from whence he returned in May 1780. Dr Cole in his petition to the legislature, presented on the 30th May 1783 says, that he again entered the service in the hospital department. With this evidence before him Mr Heath says that Dr Cole does not allege service after 1779.

In May 1781 Dr Cole wrote to Col. Davis [sic], the Com'r of War for the State of Virginia, proposing to inoculate the troops with small pox. Mr Heath says if this is evidence that Dr Cole was Hospital surgeon, it proves that he was continental, because Col. Davis was a continental officer. pitiful subterfuge. He does know that Col. Davis was, at that time, a State officer. The statement made by Dr Cole in his petition to the legislature on the 30th of May 1783 should be taken as truth. It is verified by the report of the committee made on the 26th June 1780. Dr Cole says, that he again entered the service: if he did, it was after the 16th June 1780. His letter to Col. Davis, dated on May 81 will satisfy any unprejudiced mind, that he was then in the service, in the hospital department.

I invite a comparison of the evidence on which Griffins claim was allowed with that on which Cole's was rejected.

If the old men of York told truth, as, no doubt, they believed. It is historically known, that the hospital at York Town was continental, and the surgeon was not entitled to half pay. Mr Heaths

ignorance cost the government \$10,000 and gave \$5000 to his friend.

The legislature of Virginia have testified, that Dr Cole entered the army at an early period of the war and continued in it until the spring of the year 79 when he went to England to save his patrimonial estate in Virginia from confiscation: That he returned in May 80 and accomplished his object. Dr Cole states, that he again entered the army in the hospital department; that was after his return from England in May 80. His letter to Col. Davis written in May 81, though not positive, is strong presumptive proof that he was then in service in the hospital department. His application to a State officer for permission to inoculate the troops shews, that he was a State surgeon. Does not the gift of ten thousand dollars of the public money to Mr Heaths friend and the refusal of what was justly and equitably due to my clients prove partiality to one and injustice to the other. Mr Heath repudiates the statement made by Dr Cole to the legislature in May 83 as false and adopts the statements made by the old men at York in 1835 without testing their validity by the records at his command. I appeal because I cannot get justice from Mr Heath, and I can get it from you.

Richard Randolph.

Hon. A. H. H. Stuart

19th February 1852

[Punctuation partially corrected]

Martinsburg 23^d June

Dear Sir, I see, by the enclosed, that you have appealed in Dr Coles claims or will, of course, attend to it.

Dr Cole states; that although he did not serve three years as a regimental surgeon; he was a much longer time in the service. He entered the service in April 76 and resigned in November 78. after an interval of three months, he entered the service in the hospital department: he went to England in April 79 and returned in May 80. there is no reason to presume that he resigned a second time, it is fair to infer that he did not, as he was in the service a much longer time than three years, and his veracity is sustained by the report of Mr Lee's committee; admit that, and you shew him in service after he returned from England and, it is fair to presume, that he was in service when he wrote to Col. Davis. Compare Mr Lees report and Dr Coles statement with the depositions on which Heath allowed half pay to Dr Griffin, and I think, that even Mr Stuart will say that Coles claim is as well proved as Griffins, which Stuart approves. I sent you some weeks ago a statement of my charges against Heath, and of the Presidents [Millard Fillmore's] and Secretarys support to him and condemnation of me, unheard by them. I will be heard, and they shall feel, before I am done, that I will not be put down by the President or any other man, which I have documentary proof to sustain me. I can and will prove that Heath is an ignorant or corrupt officer, his injustice, and total disregard for the law in Slaughters case forced me to complain: if he had done justice to him I should not have written to the President, whose conduct forces me to prove my charges, I can prove them. F. C. Dickens, in a letter to me, says that he is "inclined to think," that Dr Griffins claim is good, and advises me to desist. What acknowledge myself either a fool or a liar. Never, No. Never until it is proved: he says that I shall force Sezar to sustain Heath: it is his duty to sustain him, he has been well paid for it. I have said to them, come on, I am ready and willing. Name your time and place, and I will meet you. I have no fear for myself, my fear is, that they will not call me out, if they do not, I will next session (God willing) call them out.

If you can spare the time, I shall be pleased to hear from you.

Richard Randolph.

M. Thompson

NOTES:

On 29 Apr 1794 Sally Cole, widow of Walter King Cole, was made administrator of his estate. On 12 Nov 1850 following her death, she was succeeded as administrator by William A. Taylor, former Sheriff of Henry County. On 24 May 1851 Taylor assigned power of attorney to Richard Randolph of Washington, DC to obtain the half pay that may have been due to Cole.

Records indicate that Dr. Corbin Griffin was a surgeon aboard the *Liberty* in 1776, a hospital surgeon 29 Feb 1776 - 31 May 1777, and a volunteer hospital surgeon at Yorktown in Oct 1781. Matthew Pope was a surgeon of a Virginia regiment in 1779 and attended soldiers at Yorktown.