

Southern Campaigns American Revolution Pension Statements and Rosters

Pension Application of Thomas Mathews W17076 and R16019 Molly Mathews VA Half Pay  
Transcribed and annotated by C. Leon Harris. Revised 1 June 2015.

State of North Carolina }  
Pasquotank County to wit }

On this 13<sup>th</sup> day of September 1836 personally appeared before me Abner Williams a Justice of the Peace in and for the County aforesaid, Molly Mathews resident of Elizabeth City in the said County of Pasquotank and State of No Carolina aged Eighty four years, who being first sworn according to Law, doth make the following declaration in order to obtain the benefit of the act of Congress passed July 4. 1836. That she is the widow of Thomas Mathews who was an officer in the Continental Line of Virginia, and entered the service about the beginning of the Revolution and continued therein until he was promoted to the office of Major of the the Virginia State Artillery which she believes was in the fall of 1777, and he continued in the service as such until his promotion to the office of Lieutenant Colonel in the same Regiment, which promotion took place in the year 1778 or 9 and that he continued in service up to the cessation of Hostilities, but this deponent says that she is informed that some evidence has been filed at the Treasury Department to show that her husband resigned his office of Lieutenant Colonel in 1781. She further declares that she was married to the said Thomas Mathews in July 1773 on the 11<sup>th</sup> day of that month. Her maiden name was Miller, that her husband the aforesaid Thomas Mathews died on the 20 day of February 1812 in Norfolk in Virginia where he resided up to that time and that she has remained a widow ever since that period as will more fully appear by reference to the proof hereto annexed.

[signed] Molly Mathews

To J L Edwards Esq'r Commissioner of Pensions

The heirs of Lieut Col Thomas Mathews of the Virginia State Artillery claim his half pay for life under the Act of 5 July 1832 and respectfully present for the consideration of the Commissioner the following statements, evidence and arguments, and also extracts from the report on the claim of Lieut Col Mathews. Exe'or for commutation pay; 2 Sess 24 Cong, Sen Doct Vol 1. 1836, 7, No 46. Marked A and a Copy of Chief Justice Marshall's [John Marshall S5731] letter. Rept No 191. 1 Sess 22 Cong Ho Rep pa 66. Marked B. Rep No 46 Marked A Shows that Lieut Col Thomas Mathews was appointed Major of the Virginia State regiment of Artillery Commanded by Col Thomas Marshall in 1777. The Journals of the House of Delegates of Virginia in the Library of Congress will show that he was appointed Major of the State Artillery Regiment November 16<sup>th</sup> 1777. John H Smith Commissioner of revolutionary claims for Virginia reports Thomas Mathews Lieut Col of the Virginia State line, as having received a warrant for 6000 acres of bounty land, May 25 1784, for services between three and six years. Virg'a Doct No 31 page 20 which is in the office of the Commissioner of pensions. It appears from report No 46, A, above mentioned, James Marshall states "that when the regiment was ordered to Charleston Lieut Col Mathews resigned, and that Elias Edmonds [VAS2004] was appointed to fill the vacancy and that he does not know that he was ever afterwards in service" Marshall intimates in his evidence that Lieut Col Mathews resigned in consequence of the regiment being ordered to Charleston, but to show what little reliance can be placed on the memory of James Marshall, we herewith file a copy of a letter of Chief Justice Marshall marked B as above stated. It will be recollected that Judge Marshall was a Captain in the Virginia line and a son of Thomas Marshall Col of the Virginia State Artillery regiment. he states that "a legionary corps composed of the State Artillery regiment, the State garrison regiment and Nelson's [John Nelson W5414] Corps of Cavalry marched to the South in 1778 under Col [Charles] Porterfield and were engaged in the battle of Camden [SC, 16 Aug 1780], where [Gen. Horatio] Gates was defeated, and Porterfield was killed. They marched from Williamsburg early in the campaign of 1780" It seem from this statement that the Virginia State regiment of artillery was ordered to the South in 1778 under Col Porterfield. [See endnote.] If this is the period to which James Marshall alludes when he says that the

regiment was ordered to Charleston he is evidently in error in stating that Lieut Col Mathews resigned for it appears by the same report No 46. A. that Virginia credited Mathews for his pay as Lieut Col of Artillery to the 13 Nov'r 1779. It appears from the statement of John H Smith Comm'r Va rev'y claims, that the close of an officers depreciation account is not prima facie evidence of determination of service as will appear by Doct Ref No 457.1 Sess 28 Cong Ho Rep page 131. and Apendix (A No 2) page 176. Lieut Joseph Hollidays [VAS1574] case. The pay may cease by the officer becoming supernumerary or having been in actual service out of Virginia and there paid. Nothing therefore can be inferred against the claim for half pay for life by the depreciation pay being paid up only to 15 Nov'r 1779. It seems from Judge Marshalls letter that if the Virginia State Artillery regiment marched to the South under Col Porterfield as ordered in 1778 the regiment returned as he states they marched from Williamsburg early in the campaign of 1780. The regiment was in the battle of Camden 16th August 1780, and could not at this campaign been ordered to Charleston which surrendered with all the troops prisoners of War 12 May 1780, and remained prisoners of War until the 23 Oct 1782 according to the Report of Robert Cooke Deputy Commissary of prisoners, Washington papers State Department. It also appears from the report of Capt George Turner Dep'y Comm of prisoners, Moultre's history [William Moultrie, *Memoirs of the American Revolution*, New York: David Longworth, 1802] Vol 2 p117, that a detachment of the 2<sup>d</sup> Reg't Va Cont'l light Dragoons, and the 4, 5, 6, 7, 8 & 11 Va Cont'l regts were all the troops of Virg'a taken prisoners at the surrender of Charleston, and no notice taken of the Virg's State Artillery reg't. It is therefore evident that the memory of James Marshall cannot be relied on. It also appears that there was no foundation for the imputation by James Marshall that Lieut Col Mathews resigned, from unwillingness to march to Charleston with his regiment, as it is evident that there was not a sufficient number of men in the regiment to constitute the command of a Lieut Col of Artillery, for it seems from Judge Marshall letter that it required the regt of State Artillery, the State Garrison regt, and Major Nelson Corps of State Cavalry to constitute the command of Lieut Col Porterfield. There is no account of Lieut Col Elias Edmonds or any field officer of the Virg'a State Artillery being in command of the regt at Camden. Judge Coulter in delivering his oppinion in the Court of Appeals of Virg'a in the case of Capt Lilly, No 9, Rep 191-1 Sess 22 Cong Ho Rep pa 44, says "I think the Artillery of which Christopher Roane was Captain met the enemy under the gates [sic: "under Gates"] at Camden, and retired afterwards so much cut up, that there was not more than a Captains command, which fell to him". It appear from the report of the board of officers of the Virg'a State line which sat at Richmond Feb 12. 1782 Rep No 191. cited, page 54, that Col Marshall, Lieut Col Elias Edmonds, with the exception of Captain Christopher Roane and first Lieutenants Cary Wyatt, Nathaniel Rice, and Walter Scott, who were reported in service, and were no doubt all the officers commanding the regt of State Artillery at Camden, Major John Mazarett [R16059] of the same returned as out of command, and under censure as appears from the same rept page 51- These facts are stated to show that Lieut Col Mathews did not resign, fearing service in the South at Charleston as intimated by James Marshall, but that he together with the other field officers of the regt, Col Marshall and Lieut Col Edmonds, was supernumerary at that time for the want of men sufficient to constitute the command of a Lieut Col, and that James Marshall supposed that Lieut Col Mathews left the service by resignation, instead of having retired as a supernumerary officer. It will probably be objected that the return of Elias Edmonds as Supernumerary Lieut Col of the regt precludes the claim of Thomas Mathews as Lieut Col of the same regt at the same period as in this case there would be two lieut Cols to the same regt. This view seems to have been conclusive with the Committee in their rept No 46 A when they say that Mathews must have resigned because Elias Edmonds and Mazarett were both promoted on 16 April 1780 to Col & Major. This difficulty must be soon obviated, when it appears that the Virginia State Artillery regt was organized, as the artillery regt of the Continental line, which had two Lieut Cols. The following statement appears in the report of the Board of Officers at Richmond Feb 2 1782 Report 191 before cited page 49. "In an Act of Assembly passed in May 1778 for raising a battalion of infantry and for other purposes, they find it enacted "that the said regiment of artillery shall be officered in the same manner and that the officers thereof shall receive the same pay and rations as is customary in artillery regiments in the service of the United States of America". It appears from a return

of Col Henry Knox's regt of Cont'l Artillery, 1 Jan'y 1776 American Archives, Vol 4 Series 4 page 633. that two Lieut Cols of his regt are reported. The field officers returned are Henry Knox Col William Burbeck 1st Lieut Col, David Mason 2<sup>d</sup> Lieut Col. You will also find in some of the subsequent returns of Col Knox's regt the name of one, or the other, of the Lieut Cols omitted occasionally, without notice of being absent, Sick, or on furlough or being supernumerary, as in the report of the Richmond Board. You will also find the same rank of Captain and Captain Lieutenant in the Virg'a State Artillery regt, as in the organization of Col Knox's regt, which evidently shows that the act of the Virg'a Assembly was strictly complied with, and that the State regt of Artl'y was officered in the same manner as the Cont'l Artl'y regt. In the return of the Virg'a State Artl'y regt made by the Board at Richmond Rept 191 page 55, is the following marginal note. Did duty by quotas for some time, when first formed between 300 and 400 matrosses. 1779 Dec, 348 matrosses mostly discharged in 1780 and 1781. It is probable that from the returns of one of these quotas the officers not being all with the command, the Board at Richmond not only omitted the name of Lieut Col Mathews but also the names of considerable number of other officers of the regt The report of the Board of Officers at Richmond of Feb'y 2 1782 is no doubt known to the Commissioner of pensions incomplete as many officers of the Va State line not there returned have been paid under the Act of 5 July 1832. but to satisfy the Comm'r that the report is particularly defective in relation to the Artl'y State regt it will be only necessary to show that five of the officers of that regt whose names are omitted in the return of the regt by the Board, have since established their claims to half pay, viz William Scott 1<sup>st</sup> Lieut obtained judgt against Virg'a for half pay as will appear by the statement of the Auditor of Virg'a in Rept No 485, 2 Sess 27 Cong Ho Repts Vol 2 1841.2 E page 28. The ref's of Captains Stephen Trumbull, Samuel Crawley & Samuel Timson and Lieut Josiah Valentine have been paid half pay for life by the Dept at Washington under the Act of 5 July 1832. The report of the Board cannot therefore be conclusive on the claims of Lieut Col Mathews another officer of the State Artly whose name was omitted in the report by the Board. The Commissioner no doubt is aware that as he could not receive the evidence of any individual to move the ancestor of the claimants was actually commissioned an officer, neither could he receive oral evidence or by affidavit to make nul and void that commission by proof of resignation, unless upon the confession of the officer, or corroborated by some documentary evidence of the face, even where the affidavit of the witness is clear and uncontradicted by revolutionary facts and documents; but in this case the evidence is founded in error as is manifest from the letter of Judge Marshall and other documents referred to. To show what an uncertain hold the memory of James Marshall had on the incidences of the period, he states that Lieut Col Mathews resigned when the regt was ordered to Charleston and that he does not know that he was ever afterwards in the service. His memory serves him to recollect the resignation of his Lieut Col, but although a Lieut in the regt he cannot recollect whether his Lieut Col ever returned to his command. But we do not find it necessary to resort to inferences and collateral proofs of the decayed memory of Lieut James Marshall. It will be recollected that by the Journals of the House of Delegates of Virg'a before cited Thomas Mathews was appointed a Major of the Virg'a State Artl'y regt 16<sup>th</sup> Nov 1777 and that Virg'a granted him a bounty land warrant for his services as Lieut Col of the Va State Artl'y regt 6000 acres of land for services between three and six years. If the bounty land was granted for only three years service, the shortest period for which it could be allowed, it would bring him down by services or as supernumerary to the 16 Nov'r 1780 long after the surrender of Charleston May 12 1780 before which period Lieut Marshall says Lieut Col Mathews resigned and two months after the battle of Camden and even after 21 Oct 1780 Virg'a considered her State line officers supernumerary under her Act of May 1779, entitled to half pay for life. See Judge Coulter's opinion rept 191 cited pa 44 & 46. but even according to the construction of Cong of the resolutions of the Cont'l Cong of 21 Oct 1780, Lieut Col Mathews if a cont'l officer, would be considered a supernumerary officer, and entitled to commutation. Cong has repeatedly decided that when an officer is proved in service as late as 21 Oct 1780 that if there be no evidence of actual service to the end of the war that they will consider him as being supernumerary or furloughed and entitled to commutation. Vide Ref No 436.1 Sess 26 Cong Ho Rep page 124. It appears from the report No 46 A cited, that Molly Mathews the widow of Lieut Col Mathews living in Jan'y 1837, and Com

James Barrow and Capt John Cox both officers in the Virg'a State Navy during the revolutionary war, depose that Lieut Col Mathews was generally in service and John Kay states that he has heard more than one person who he knows were in the American Army at the Seige of York say that Thomas Mathews was there and in command of a regt. This regt no doubt was the remains of the Artl'y State regt after the reduction of 1780 and the battle of Camden, and the recruits of the regt made whilst the balance of the regt was in South Carolina. The reduction of the regt in 1781 was soon after the surrender of York, when almost the whole of the officers and soldiers were disbanded. The officers retiring as supernumerary. The heirs of Lieut Col Thomas Mathews from the evidence adduced beleaving that he was justly entitled to half pay for life respectfully request the Commissioner of pensions to allow to them his half pay for life and interest under the Act of 5 July 1832. [signed]

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| John M. Mathews    | Mary L. Butler      | Ann J Nimmo       |
| J M Mathews, for } | M. M. Lewis         | John Nimmo        |
| James Nimmo }      | W. P. Mathews       | {John Nimmo for } |
| Claudia H Vaughan  | Sarah G. E. Mathews | {Claudia Wiley }  |

A. Rept No 46.2 Sess 24 Cong Sen Doct Vol 1.1836.7

Lieut Col Mathews Exc'r for Commutation, Extract from Rept.

“Col Mathews appointed Major of Artillery Marshall’s regt in 1777 afterwards promoted Lieut Col same regt continued in service until 1780. The committee does not think he continued in service to the end of the war. Proof made by affidavit of Molly Mathews his widow living in Jan 7 1837 and deposition of James Barron and John Cox who testify to the generality. John Kay also testifys that he has heard one or more persons who he knows were in the American Arm at the Seige of York say that Thomas Mathews was there and in command of a regiment. It also appears from the state records or books of Virg’a that on the 21st of Sept 1781 a warrant was issued to pay Thomas Mathews six thousand pounds for plank furnishing during the Seige of York. James Marshall the son of Col Thomas Marshall who commanded the regt of Artly of which Mathews was Lieut Col states that when the Regt was ordered to Charleston Lieut Col Mathews resigned and that he does not know that he was ever afterwards in the service. He also states that Elias Edmonds was appointed to fill the vacancy. It also apears that the Board of Officers in 82 reported Col T Marshall, Lieut Col Elias Edmonds and Major John Mazarett field officers of the regt and that Edmonds and Mazarett were both promoted on the 16 April 1780 to Col & Major. It seems then that Mathews must have resigned. Virg’a credited Mathews for his pay as Lieut Col of Art’y to 15 Nov’r 1779 and that interest was computed on the balance due to him. It likewise appears that Edmonds held the rank of Captain in the regt of Art’y in 1779 and was regularly promoted &c”

(B) Rept No 191 1 Sess 22 Cong Ho of Rep page 66 Washington January 14th 1832

Dear Sir I have just received your letter making inquiries respecting the military service of certain regiments in the State of Virginia during the war of the revolution. The first and second State regiments commanded by Colo [George] Gibson and [Charles] Dabney marched to the north, I am almost confident in 1777, though it might be early in 1778, and served in the army under the immediate command of of General Washington until the close of the campaign of 1779.

A legionary corps composed of the State artillery regiment, the State garrison regiment and Nelson’s Corps of Cavalry marched to the South in 1778 under Col Porterfield and were engaged in the battle of Camden where Gates was defeated, and Porterfield was killed. They marched from Williamsburg early in the Campaign of 1780. I am dear sir with great respect Your obedient servant J Marshall

Tuesday March 5th 1776.

The Committee of the District of Norfolk & Princess Ann being divided in opinion upon the choice of a Captain to command the Company of Regulars to be raised in that County between Willis Wilson & Thomas Matthews, as appears by their certificate, this Comm’ee proceeded to determine the same in favor of Mr. Matthews.

Extracted from the Journal of the Committee of Safety page 37

NOTES:

Lt. Col. Charles Porterfield's Detachment was not ordered to the South until March 1780.  
Thomas Mathews was Major of the detachment at that time.

The federal pension file includes a copy of a bond signed on 9 July 1773 in Norfolk County by  
Thomas Mathews and John Hutchings for the marriage of Mathews to Miss Mary Miller.