

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

Pension Application of Henry Quarles R17253

VA

Transcribed and annotated by C. Leon Harris. Revised 18 Jan 2021.

Claim of Henry Quarle's Adm[inistrator] for Half Pay.

The evidence in support of this claim is the following:

1st The Certificate of Col. George Muter (certified copy marked A [signed at Richmond 25 May 1783]) that said Quarles was a commissioned officer in the Continental Army, and that while he held a commission in that army he was appointed a Captain in the State Artillery, and served on the whole upwards of three years successively, and was not cashiered or superseded. (This certificate bears date May 25th 1783, and was no doubt given in order to enable Quarles to obtain bounty land.) Having served three years, it was not necessary in order to make out his title to bounty land, to show how he went out of the service, and hence the silence of the certificate on that point.

2^d. The Certificate of the Auditor of Va. (marked B) that Quarles was rec'd £413.10.10 under the act of Nov. 1781, for balance of pay for his services as Capt. in the State line for services between 1st Jan'y 1777 and 1st Jan'y 1782.

3^d It appears from a list in the Pension office of payments made to officers in the Continental line under the act of Nov. 1781 that Quarles rec'd. the further amount of \$39.03.11 for services as Capt'n in the Continental line, subsequent to 1st Jan'y 1777.

4th The Certificate of the Auditor of Va. (marked C.) that the name of Henry Quarles is not found on the list of resigned and supernumerary officers on file, in the hand writing of Mr. Jefferson –and that it does not appear from any other record or document that he ever resigned.

5th The report of John Smith, Commissioner of Rev. Claims, for the State of Virginia, page 106, in which will be found the following remarks, as to the services of Henry Quarles.

“He was an Officer, first a Lieut. at Fort Pitt, Feb. 12, 1777. (See the Council Journal of that date.) While he held that Commission he was appointed Captain in the State Artillery. (See certificate of George Muter, Col. State Garrison regiment, on file in the Office of the Executive Department.) Settled his accounts as a Continental officer, from January 1, 1777 to September 10, 1777, with State Auditor. Settled, at different times with Laurence Smith, Paymaster, from January 2^d 1778, to December 8, 1779, and probably served to the end of the war.”

The above report shows, that Quarles was in the Continental service until the 10th of September 1777. Of course he did not enter the State Line, until after that date.

The amount of his depreciation certificate, for services in the State Line, and consequently, for services after the 10th of September 1777, is £413-10-10. this would be equal to more than two years and 3 months full pay. As this was only the balance due, however, according to the scale of depreciation established by the Act of Nov. Session 1781, the amount is sufficient to cover services down to the reduction which took place in February 1781.

Here, then, we have the most satisfactory record evidence, that said Henry Quarles was a Captain in the State Artillery Regiment, until about the time of the great reduction of the State line troops, in February 1781. How did he get out of the service? We have proved by Col. Muter's Certificate, given in May 1783, that he was not cashiered or dismissed. We have also proved, by the certificate of Mr. Auditor Heath, that there are no records showing that he ever resigned. But this being a negative proposition, we are not called upon to prove it. The Court of Appeals, in Marston's Case, expressly decided, that a resignation is not to be presumed, without proof. (9th Leigh, page 42.) The Court say, “The Commonwealth, indeed, does not allege it (a resignation), and if she did, the burthen of proof would be upon her.

Now, inasmuch as we have proved that Quarles was not cashiered or dismissed – and as there is no proof that he ever resigned – there are but two other possible alternatives in the case: either he became supernumerary, or served to the end of the war. One or the other of these alternatives must be adopted. We

ask only that the alternative most favorable to the Government, be adopted, and that the claimant be allowed half pay as a supernumerary.

Very respectfully submitted
April 8th 1850.

J. J. Coombs Atty. for Cl't.[?]

[From [bounty-land records in the Library of Virginia.](#)]

I certify that Henry Quarles was a commissioned [offi]cer in the Cont'l Army, & that while he held the [illegible] in that army, he was appointed a Captain [in] the State Artillery, & served on the whole upwards [of] three years successively & was not cashiered or [su]perseded.

George Muter Colo [VAS803]
Richmond May 25th 1783

A handwritten signature in cursive script, appearing to read "Muter", written in black ink on a light background.