

## Southern Campaign American Revolution Pension Statements & Rosters

Pension application of Thomas Upshaw<sup>1</sup> R18623

Transcribed by Will Graves

fn20VA

rev'd 7/19/11

[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. 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 fails 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 errors or omissions to my attention.]

To the Commissioner of Pension

The Petition of Joshua J. Fry administrator of Thomas Upshaw respectfully states that said Upshaw was upwards of three years in active service in the regular State line of Virginia in the War of the Revolution, when he became a supernumerary officer – was afterwards in the command of Militia at Yorktown, but remained a supernumerary officer to the end of the war. He received his half pay – died in Manchester on the 26<sup>th</sup> day of December 1809 intestate, leaving no children – but surviving nephews and nieces his distributees. Captain Upshaw received his warrant for a Captain's land bounties on the 15<sup>th</sup> of April 1783. The half-they was not considered do you prior to the period of his death to any of the supernumerary State Line officers. He received his depreciative of full pay.

The proof is full – as to identity – the regularity of the administration – and of every point beyond the possibility of doubt – except as to the fact, whether he was a supernumerary officer entitled to half-they.

The only question in the case is – was he a Supernumerary. He was at first an officer of the State Garrison Regiment: -- his Commission dated 24 October 1778 recites the fact.

Captain Henry Garnett & Major James Quarles on 24 March 1783, preparatory to his applying for three years land bounty, certify that he “continued in actual service till February 1780.” His own memorandum endorsed on his commission, 26 February 1780, recites the reasons for the tender of his resignation on that day-- viz. That it was declined – and on that same day he states, he shall go into service again, whenever required.

This endorsement – evidently made on the very day of its date is upon his Commission which was handed back to the Executive on the 14<sup>th</sup> of April 1783 before the end of the War when he applied for his land bounties. The surrender of his Commission been showed that he had not done it for & the allowance of the land on that very day, shows that full faith were given to his statements.

The Confident air of his memorial of 14 April 83 & its minute details show he was stating what he knew to be true. He says his is precisely the case of Captain Thaddy Kelley which was allowed last year for Half-pay. It seems some difficulty was apprehended by him, or had been made by some of the Executive, because he had been out of active service during some part of 1778, but that has nothing to do with the question of Half-pay – and was admitted to have constituted no bar to the land claim.

Your petitioner respectfully asked that the half-pay be allowed him from 26 February 1780 when the full pay ceased, to the date of Captain Upshaw's death in like manner as has been allowed to Captain Thaddy Kelley and the other supernumerary officers in the same situation.

Lawrence Smith's pay roll of State Artillery will show the full pay to Captain Thomas Upshaw from 20 December 1777 to 20 December 1779 when Smith ceased to act as pay-Master to that Regiment.

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<sup>1</sup> The cover sheet for this file bears the following note: "See N. A. Acc. No. 874 050178 Half Pay Thomas Upshaw." I'm not sure what this means or tells us.

S/ Joshua J. Fry  
by his Counsel  
S/ T. Green

[fn p. 4: Nancy Sullivan of Essex County Virginia gave an affidavit in support of the petition. Her affidavit is dated February 10, 1848. She states that she is more than 90 years of age, that she lived with Captain Thomas Upshaw's mother in Chesterfield County (his father being deceased) during the time of the revolution, that she has no recollection of his serving as an officer in the Virginia line; that he at one time considered resigning his commission but was advised by his brother officers not to do so and he remained in the service until after the surrender of Lord Cornwallis; that to her knowledge Captain Upshaw was never married, had no brothers but was survived by two sisters Molly and Sucky; that Molly Upshaw married William Fogg and Sucky Upshaw married Samuel Taylor.]

[fn p. 15: the following is a certified copy of papers on file in Richmond Virginia as of 1847 when certified]

Richmond, April 14, 1783

[To His Exc]ellency the Governor of Virginia & the Honorable Council

I beg the liberty of presenting my papers once more to your Board, which contain an explanation of the propriety of my claim for back land. I served as a regular officer three years and some months, successively, in full pay & was mustered as such continually, which the Clerk of your Board can testify unless the records are lost (which is not my fault). As the field officers of our Regiment have resigned & out of place, except those who took command just before I left it, it may be difficult for me to get other than such certificates I here present; I can get 20 more such, if it is necessary, & I confess that I thought such would answer the meaning of the law. I may be put to a great deal of trouble & expense, but certainly my claim is just, which I doubt not, will appear to the Honorable Executive when my commissions, certificates & other papers are compared with the records. I confess I never was arranged in any Regiment but that of the State Garrison, which happened some time in the fall of '78, but which defects I ought not to pay for, as it is plain I was in commission & full pay from January 28<sup>th</sup>, 1777 till February 26<sup>th</sup>, 1780 as is certified by a field officer though not of the Regiment that I happened to be arranged in at last; I must say that I have a right to a Captain's Quota of Land, & that Captain Thady Kelly who was in the very same predicament has obtained one.

S/ Thomas Upshaw

P. S. If the Executive in '78 chose to let me stay at home part of that year, as I was not nor never had been arranged, I think that does not divest me of my right.

The Commonwealth of Virginia

To Thomas Upshaw Gentleman

Know you, that from the special Trust and Confidence which is reposed in Your Patriotism, Fidelity, Courage and good Conduct, you are, by these Presents, constituted and appointed Second Lieutenant of the \_\_\_ Company in the \_\_\_ Battalion of regular Forces raised for the Defense and Protection of this State, and for repelling every hostile Invasion thereof. You will therefore carefully and diligently to discharge the Duty of Lieutenant by the doing and performing all manner of Things thereunto belonging, and all Officers and Soldiers under your Command are hereby strictly charged and required to be obedient to your Orders as their Lieutenant. And you are to observe and follow such Orders and Directions, from Time to Time, as you shall receive from the Executive Power of this State, or any [of] your Superior Officers, according to the Rules and Discipline of War, and Pursuance of the Trust reposed in you. Witness Patrick Henry, Jr., Esq., Governor or Chief Magistrate of the Commonwealth aforesaid this 15<sup>th</sup> day of March in the first year of the Commonwealth, A.D. 1777.

S/ P. Henry, Jr.

Thomas Upshaw was appointed as Ensign and State Service January 28<sup>th</sup> 1777.

S/ Arch'd Blair, C. C.

[Commission appointing Thomas Upshaw as a Captain in the state "Garrison Duty" given under the hand of Patrick Henry, Governor and dated October 24, 1778. On this commission is the following memorandum:

"There being near a sufficiency of officers for a full Regiment but not more than 140 men in it, I thought proper to resign my command, which was a piece of a company, & my right to the Majority, in favor of a worthy Gentleman. The Commanding Officer thought proper to let me keep my commission, & I shall go into service if the Honorable Executive of this State think proper to give me a command again.

S/ Thomas Upshaw, Capt.

Feby 26<sup>th</sup> 1780"

"I certify that whilst I acted as Master Master [sic] to the Troops raised for the defense of this State, I have repeatedly reviewed Mr. Thomas Upshaw as in Officer appertaining to those Troops; & that I have has repeatedly returned him as such in my monthly returns to the Executive.

S/ Adam Craig

March 10<sup>th</sup> 1783

My appointment as Master Master took place in May 1777.

S/ A. Craig"

Essex March 24<sup>th</sup> 1783

I certify that Thomas Upshaw was appointed by the Court of this County and Ensign in my company of regular Troops the 21<sup>st</sup> of November 1776, & got his quota Received in the 23<sup>rd</sup> of January following, & continued in actual service till February 1780.

S/ Henry Garnett, Capt.

S/ James Quarles, Major

on State Establishment

April 2<sup>nd</sup> 1783

[fn p. 14]

Pension Office August 4, 1848

I certify that I have examined the claim of the administrator of the late Thomas Upshaw, who was a Captain of Infantry in the Virginia State Troops during the revolutionary war; and I find that he served until the 26th of February 1780, when he became a supernumerary. The case is therefore embraced by the provisions of the act of the 5 of July 1832. It is my opinion that the claim should be allowed at the rate of \$240 per annum from the 26th of February 1780 until the 26th of December 1809 when he died. The amount is payable to Thomas Green, attorney of Joseph J Fry, of Richmond Virginia, administrator of said Upshaw.

Approved

Secretary of War

Commissioner of pensions

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