

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

Pension Application of James Markham R72

VA State Navy/ Half Pay

Transcribed and annotated by C. Leon Harris. Revised 19 May 2015.

[From [Library of Virginia Legislative Petitions Digital Collection](#)/ Fauquier County.]

To the Honble the Speaker & Members of the house of Delegates the petition of James Markham humbly sheweth

That your petitioner early in the late war with Great Britain engag'd in the service of his country as an Officer in the Navy of this state & remain'd therein performing the duties of his office till the 27th of April 1781 when your petitioner was taken a prisoner by the Enemy & his vessel captured. In a few days your petitioner was parol'd, but not being exchange'd he was not discharg'd from his parol till the end of the war so that your petitioner was depriv'd of the power of going on board any vessel during the war & of consequence prevented from supporting his family by the exercise of that profession to which he had been train'd from his infancy. That when your petitioner presented his accounts to the Auditors of this state for a settlement, they refused to issue certificates of warrants to him for a later period of time than the 5th day of Nov'r. 1781 alledging that the officers of the navy of this commonwealth were then discharg'd from the service of the state. Your petitioner prays that your honorable house will take his case into consideration & grant him relief in the premisses And our petitioner as in duty bound shall ever pray &c

James Markham

Auditors Office Nov'r. 1 1784

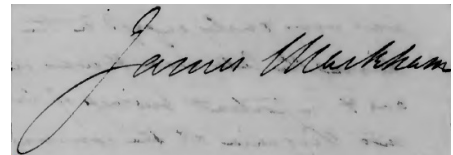
The reason why the auditors did not bring Capt. Markhams account down to a later period than 5th Nov'r. 1781 was that an act of Assembly passed then by which the whole Navy of this State were reduced; except such as shou'd be thought necessary for the look-out Boat Liberty and in that number Capt Markham was not included. Given under our hands the day & year above

B Stark

3^d November 1787 referred to Claims/ to be allowed 'til exchanged or liberating./ Reported

To the Honble the speaker & Members of the Gen'l. Assembly the petition of James Markham humbly sheweth

That your petitioner was very early engagd in the service of his country during the late war & was employd in the hazardous & important business of bringing powder into Virginia at the commencement of the revolution in which he succeeded to the upmost hopes of the legislature & committee of safety. Your petitioner was then commissioned as a captain & commanded one of the armed vessels belonging to this state untill he was taken prisoner & he continued a prisoner throughout the war. our petitioner therefore humbly prays that his case may be considered & that the Honble the Legislature may make him such compensation for his services as shall be thought adequate thereto And your petitioner will ever pray &c

A handwritten signature in cursive script, reading "James Markham". The ink is dark and the paper appears aged.

Octo 15th 1792 to Claims

[From [Library of Virginia Legislative Petitions Digital Collection](#)/ Cumberland County – DuVal, William]

To the Honorable the Speaker and Gentlemen of The House of Delegates

You Petitioner William DuVal Administrator of Captain James Markham deceased humbly Represents that his Intestate commanded a Ship of War called the Tempest belonging to this State that he early entered into the service and was a brave Officer, that he was captured by a superior British Force in 1780 [sic: 27 Apr 1781 by Gen. Benedict Arnold at Osborne's on James River], that he continued in close confinement as a Prisoner of War untill April 1781 when he became with others a Prisoner on Parole and continued a prisoner and was never exchanged, that all such prisoners was released after the Proclamation of Peace in 1783 Your Petitioner refers to the Act of May 1779 to the Act of November 1781 Section 14th Chap't 19th Page 467, to the Act of October 1782 Chap. 35 Section 3^d Pages 161 & 162 Respecting their pay & emoluments and to sundry Records to be laid before this Honorable House or before the Committee of Claims

Your Petitioner prays this House to grant him the half Pay for Life or Five Years Full pay in Commutation thereof, as Administrator aforesaid of the said James Markham deceased

William DuVal Administrator of James Markahm deceased

Major Yancey will be pleased to present this Petition/ Dec'r 14th 1828 ref'd to Claims
15th Dec'r 1828 Rejected

[The following are from the federal pension file.]

In Henrico Superior Court Nov'r. 12th 1830

William J Barker administrator of }
James Markham dec'd... appells: }
against }
The Commonwealth... }

} Upon an appeal from a decision of the Auditor of Public
accounts, refusing to allow a certain claim of the appellant against the Commonwealth, for
services rendered by the said James Markham as an Officer in the Revolutionary War.

This day came as well the appellant by the attorney, as the Attorney General for the Commonwealth & it appearing by the evidence on the part of the Appellant, filed in this cause, that the said James Markham was a Captain in the naval service of this state, in the Revolutionary War, that during the war he was taken as a prisoner, & that he remained as such on parol, till the termination of the War; The Court is of opinion that the said James Markham was entitled to half pay during his life & that the Auditor of Public Accounts erred in rejecting the claim, thereto presented by the appellant; It is therefore ordered that the said Auditor do issue and deliver to the appellant, a warrant on the Treasurer of this Commonwealth, for the said half pay, from the 22nd April 1783 till the death of the said James Markham, which occurred on the first day of Sept. 1816 deducting from the amount the sum of two thousand Seven Hundred & Sixty Dolls. twenty three cents, heretofore paid on warrant of the said Auditor, to Wm. Duval a former administrator of the said James Markham dec'd.

A Copy/ teste/ Wm. G. Sands D.C.

Signed/ Hen: Cir: Sup: C. L. & C.

Pension Office/ March 22^d 1850

I hereby certify that under the decision of the Secretary of the Interior Edmund B. Barker, Administrator of the Estate of James Markham, deceased, is entitled to receive, under the Act of 5th July 1832, the sum of twenty five hundred and nine dollars and thirty cents – the full pay of a Captain in the Virginia State Navy for the term of five years, with interest thereon from the twenty second day of April seventeen hundred and eighty three to the present time from which sum is to be deducted, the amount of any payment or payments heretofore made, by the State of Virginia, or by the United States, on account of half-pay due for the services of the said James Markham, in the war of the Revolution. Interest upon

interest is not to be allowed. The amount is payable to Dr. William Helm, Attorney in fact for Edmund B. Barker, Administrator of said James Markham deceased. Commissioner of Pensions
Approved/ Secretary of the Interior.

Zanesville Ohio Oct 25th 1852

Dear Sir [James E. Heath, Commissioner of Pensions] your Favour of 15th inst has Been Received and having Examined its Contents, finding upon the same that you consider that supposed claim settled in full Long since, the Assuming that position throws you into an Egregious Error upon that subject as certain as Day light, for my part I don't consider any thing About it for I know that the Claim of Capt James Markham has Never yet Been fully paid or Liquidated. as one of the Legal Representatives or heirs of Capt James Markham I know it. I am obliged to you for the Information you gave me as it Regards the Action of the Secretary of the Interior, that he will Not pay out or Adjust Claims upon commutation without farther Authority or Direction of Congress. I shall abide the issue of the same Satisfied that Congress will attend to it Shortly. all that I want is A hearing Before the Department and I think I can Establish the Equity of the Balance Due By my Agent Dr Helm of Virginia

I Tender you my grateful Acknowledgment for your kindness in Replying to my Letters

And Remain yours Also most Respectfully/ Geo B Good

PS If I Cannot prove Before the government what I say then I don't want any thing for I Despise and Detest the Idea of taking or having any thing that does not Rightfully Belong to me Geo B Good

Xenia Ohio December 8th 1853

Dear Sir [Congressman Harlan] Being A stranger to you but at the same time one of your constituents I take the liberty of addressing you upon an important subject especially to my self and Relatives, I have matter which I wish you would present Before the present Congress Now in sesion, by Grand Father Capt James Markham was a Naval officer Commanding a Vessel Bearing or mounting over 20 guns he was Capt in the Virginia state Navy of the Revolution, And as far as I understand the subject, was and is Entitled According to Act of Congress Giving Compensation for Cases of this kind he is Entitled to Commutation, I Believe there is A law in Existence for Revoutionery services where A Capt of an Armed Vessel, Commanding one mounting more than 20 guns is justly Entitled to Commutation, the Department of the interior is the place where these matters should Be adjusted But the organ of the Government of that Department Refuses to settle the unadjusted Balance without farther Action of Congress, I Believe Secretary having[?] suspended the payment of Claim for Commutation and the suspension has not Been Removed By the present Secretary of the Interior as yet and does not Calculate to do so without further Action of Congress upon the Subject is the Reason why I address you at this time, it is A just Claim and ought to have Been settled Long Ago, my Grandfather Capt James Markham was Capt of the ship Tempest when it was Captured at Camp Osborne Near Richmond Virginia in the James River 1781 [27 Apr] though the articles of parole is dated April 28th 1780 my Grandfathers Name is signed to the parole as Captain of the Tempest he obtained Judgement in Virginia for service in that Capacity (Commander of the Tempest) to the End of the war on the ground that he was not exchanged but continued a prisoner of war untill peace was Established, the ship mounted 36 guns Consequently he was entitled to the pay per annum of A Colonel of infantry or a Col in the Land service that Being the case there is a Considerable Balance Due us yet if you wish more particulars you can Refer to my Agent af'd W Helm at Warrenton Virginia who will give you more and Better satisfaction

Yours truly/ Geo B Good

PS Capt James Markham or his Legal Representative obtained a judgement, against the state of Virginia By the Court of Appeals in 1830 for half pay for Life Amounting to \$8333 Not Entirely But very Close to it half pay), from the time of the Establishment of peace untill his death was 33 years having lived to the year 1816 the spring or winter of that year having arrived To the Respectable Number of years of 102 I believe, and then Again we Collected in the year 1850 the sume of 2809 65 cents from the general government through the Department of the interior upon principles of commutation and interest Being

Five years additional pay, and so that Congress can closely see, that we are payed According to the Rule of Commutation upon which principle we should Be payed they will find A considerable sum Due us unliquidated or unadjusted as yet, we will Be entirely thankful to you if you will present the case as soon as possible

George B Good

Mr Aaron Harlan MC/ Washington DC

[Good wrote a similar letter dated 8 May 1854.]

NOTES:

In the pension application of William H. Parker (R82) is the following: "I was a soldier in the revolution War and was on board a War Ship on the James River (Virginia) when the fire became so sharp from the enemy we blew up the vessel that we were in and made our escape to the opposite shore – I never saw so great a shower of shots; the Tartar, a vessel commanded by Capt. James Markham, was near us at the time of the attack, and every man in the Vessel was either killed or taken prisoner, (the Capt. not excepted) except one man who jumped overboard in my presence, and made his escape by swimming, but not without encountering many sharp shot. I was told that it was Lieutenant William H. Parker.

Given under my hand this 27th Sept'r. 1830.

Peter Conway"

On 11 May 1850 Joseph D. Barker of Salem in Livingston County KY wrote to James L. Edwards, Commissioner of Pensions as follows: "I have recently been informed, that Edmund B. Barker, a son of William Barker and grand son of James Markham, and, therefore, an heir of both, has drawn from the Pension office, by means of an agent probably, a large amount of money, and that he has yet to draw more, a larger sum, perhaps, than that which has already passed into his hands. If such is the fact, it must undoubtedly be the money due to James Markham and William Barker for services rendered during the Revolution; and if anything has been paid by you to said Edmund B. Barker through an agent, it has been fraudulently obtained of you; for these men by a collusion on their part, have matured a scheme to get all the money they can from the United States, and then to defraud the other heirs of Markham & Barker out of what is their just rights.

"If there is any thing left due from the U.S. to Markham and Barker, please retain it in your hands until all the heirs, who are quite numerous, can be found and a satisfactory arrangement can be made with them in relation to the matter. If Barker has securities, they are dobtless irresponsible persons out of whom nothing can be made."