

Southern Campaigns American Revolution Pension Statements and Rosters

Pension Application of Humphrey Marshall S31234 VA Half Pay  
Transcribed and annotated by C. Leon Harris. Revised 3 Apr 2015.

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

At a District Court held at the Capitol in the City of Richmond the 10<sup>th</sup> Sept. 1791. Present Spencer Roane & Wm. Nelson Jr. Judges.  
Humphrey Marshall late a captain Lieutenant in the State Regiment of Artillery. . . appellant} upon an  
against  
The Commonwealth. . . . . } appeal  
from a decision of the Auditor of Public accounts refusing to issue to the appellant a warrant or certificate either for half pay for life, or for five years full pay in commutation thereof  
This day came as well the appellant by his attorney as the attorney General for the Commonwealth, who being fully heard & the appeal aforesaid being seen and inspected, It is the opinion of the Court that the appellant is entitled to five years full pay in commutation for half pay during life. Therefore it is Ordered that the Auditor of Public Accounts issue to the Appellant a certificate for the said five years full pay, bearing an interest at the rate of six per centum per annum from the twenty second day of April 1783, the day on which the troops raised for the late war, were discharged in this state.  
A copy teste J. Robinson Cl. H.S.C.

At a District Court held at the Capitol in the City of Richmond the first day of April 1793  
In pursuance of a Judgment of the Court of appeals, It is considered that the order aforesaid of this Court be reversed and annulled without costs, and that the appeal of the appellee from the decision of the Auditor of Public accounts, refusing to issue to him a certificate or warrant for half pay during life, or five year full pay in commutation thereof, be dismissed without prejudice  
An extract from the record/ teste J. Robinson C.H.S.C.

To the Honorable the Speaker and Gentlemen of the House of Delegates  
Your Petitioner Humphrey Marshall humbly represents, that he early entered into the Service of his Country, as a Cadet in the Regiment of the State Artillery, under the command of Colo. Thomas Marshall, that he was appointed an Officer and rose to the Rank of a Captain in the said Regiment before the End of the Revolutionary War, and that he continued in the service of his Country untill the end of the War and never resigned, that pursuant to the Act of Assembly which passed in November Session of 1781 the Board of of Officers met in the City of Richmond in 1782 and Reported that only about one hundred and Twelve were entitled to half pay, among whom was your Petitioner; who begs leave to refer to a Copy of the Report preserved by Colo George Muter one of the Board, & Commissioner of the War Office, which is in the Custody of the Keeper of the Rolls of this Honorable House. The Officers of the Six State Regiments & Cavalry including a Chaplain and Surgeon to each Regiment amounted to about 280. By the Resignation of the Officers & from other causes, about 168 Officers were pretermitted, as not entitled to half pay for Life.  
Your Petitioner is Old and has a Family to support. From Causes your Petitioner could not controul, in the Course of the changes in human events, is now Poor, and severely afflicted with a Paralytic Affection, which renders your Petitioner helpless.  
Your Petitioner appeals to the Justice and Magnanimity of the House to pass a Law to grant him his Commutation of Five Years pay as a Captain aforesaid & your Petitioner will be grateful  
December 1828 Humphrey Marshall by Wm DuVal his agent & Friend

Dec'r 6<sup>th</sup> 1828 ref'd to Claims/ Dec'r. 11<sup>th</sup> 1828 Valid Reasonable/ 13<sup>th</sup> Bill drawn

[The following are from the federal pension file.]

State of Kentucky Sct

At a Circuit Court continued & held for the Circuit of Franklin at the Court house in the Town of Frankfort on Monday the Second day of July A.D. one thousand eight hundred and thirty two. Humphrey Marshall this day appeared in Court and produced and made oath to the following declaration and also produced the affidavits of John Marshall [pension application S5731] and James M. Marshall [S7173; see endnote] and a copy of a Virginia land warrant which are ordered to be entered of record and which are in the following words and figures to wit. "For the purpose of obtaining the benefits of an act entitled an act supplementary to an act for the relief of certain surviving officers and soldiers of the army of the revolution approved on the 7<sup>th</sup> of June 1832 I Humphrey Marshall a native of Virginia and now living in the County of Franklin and State of Kentucky do hereby declare that I was an officer in the American Army of the revolution and served as such (being promoted in the years 1778. 1779. 1780. & 1781. while from the 6<sup>th</sup> of February 1781. I was placed on the list of supernumerary officers at which period I was a Captain Lieutenant having been in 1778 a third Lieutenant and in 1779 a first Lieutenant in the Regiment of Artillery Commanded by Colo Thomas Marshall of the Virginia State line. enlisted for three years generally. I was first attached to the Company of Captain Elias Edmonds and afterwards to others. My pay was thirty three dollars and one third of a dollar per month. I entered into said regiment the fourth day of January in the year 1778. as a cadet. Witness my hand this 2<sup>d</sup> day of July 1832.

H. Marshall.

Humphrey Marshall this day appeared in Court and made oath to the foregoing affidavit or declaration according to law July 2<sup>d</sup> 1832. Philip Sargent c.f.c.c.

The act for raising the Virginia State Regiment of Artillery passed as I believe and as is stated in Hennings Statutes at large in the Spring Session of 1777. The troops raised at that time were severally enlisted for three years or during the war and I believe the State Artillery Regiment was enlisted for that time. very few enlisted for the war as I believe the soldiers both for the State and Continental Service enlisted for three years generally. My father Colo. Thomas Marshall was appointed to command this Regiment. He left the Northern Army where he commanded the third Virginia Regiment on Continental establishment after the close of the Campaign late [one or two illegible words] 1777. with the intention of visiting his family before taking charge of the Regiment some short time after arriving at his home as I have understood (I was then in Camp at Valley Forge) He appointed Mr Humphrey Marshall a cadet or subaltern officer in the Artillery Regiment. I visited the family on furlough after the close of the campaign of 1778. and then understood that Mr. Marshall had been appointed and was then and had been from the time my father took charge of the Regiment in actual service after the close of the Campaign of 1779. while the army was encamped at Morristown. The Virginia Regiments in the Northern army were broken up. The terms for which the soldiers had enlisted having mostly expired the few engaged for the war were marched into Virginia and the officers not needed for that service came home to wait until measures should be taken to procure soldiers in March 1780. I went to Williamsburg where I remained till July. In March and April I was occasionally at York where part of the Regiment was stationed and where I regularly saw Mr. Humphrey Marshall in actual service. a part of the Regiment composed a part of the [blank] Corps which marched under the Command of Lieutenant Colonel [Charles] Porterfield to the South. I do not recollect whether Mr. Marshall marched with this detachment or not. I rather think he did not but he continued in the service and has been considered & reported as an officer entitled to half pay as a supernumerary.

J. Marshall

City of Richmond to wit. J. Marshall personally appeared before me a Justice of the peace for the City afs'd and made oath to the truth of the above [illegible word]

given under my hand this 12<sup>th</sup> day of June 1832. Tho. Brokenborough

James M. Marshall being sworn says that Mr. Humphrey Marshall now a Citizen of Kentucky entered as a Cadet in the regiment of State Artillery Commanded by Colo Thomas Marshall early in the year 1778.

and continued to serve in the same until the time for which the men were enlisted had expired and the regiment was disbanded which took place about the close of the year 1780. as this affiant believes he further says that he believes the said Humphrey Marshall was a Captain Lieutenant in the said Regiment when it was discharged. Sworn to before me a Justice of the peace for the County of Frederick and State of Virginia this 15<sup>th</sup> day of June 1832

Robt. M. Marshall

NOTES:

Humphrey Marshall was the first cousin and brother-in-law of John Marshall, Chief Justice of the U. S. Supreme Court from 1801 - 1835, and of James M. Marshall, who made the affidavits on his behalf. Humphrey Marshall was the nephew of Col. Thomas Marshall, who was the father of both Justice John Marshall and of James M. Marshall, as well as of Mary Ann Marshall, who was the wife of Humphrey Marshall.

The file includes a long correspondence concerning Humphrey Marshall's objection to the decision to stop the awarding of half-pay for life after the commencement of the pension. After his pension was stopped until he repaid \$800 he had already received as half pay, Marshall wrote on 11 Aug 1835, "Thus at the age of 75 labouring under the effects of a paralysis, am I, reduced to real poverty." He signed as shown.

A handwritten signature in cursive script, appearing to read "H. Marshall". The signature is written in dark ink on a light-colored background.

In 1845 Thomas A. Marshall, executor and devisee of Humphrey Marshall, successfully petitioned for a portion of half pay that had been withheld, stating that Humphrey Marshall died 3 July 1841.