

## Southern Campaign American Revolution Pension Statements & Rosters

Pension application of Robert Layton<sup>1</sup> S46638

f104VA

Transcribed by Will Graves

9/12/13

[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. The word 'illegible' or 'indecipherable' appearing in brackets indicates that at the time I made the transcription, I was unable to decipher the word or phrase in question. 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 skills fail 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 material errors or omissions to my attention.]

[p 99-100]

State of Virginia County of Spotsylvania, to wit:

On this the 3<sup>rd</sup> day of September 1832, personally appeared before the Justices of the County of Spotsylvania in open court sitting, Robert Layton, a resident of the County of Spotsylvania and State of Virginia aged eighty<sup>six</sup> years, who being first duly sworn according to law doth on his oath make the following declaration in order to obtain the benefit of the provisions made by the act of Congress passed 7<sup>th</sup> of June 1832. That he enlisted in the Army of the United States in the year 1776, and, as well as he recollects, towards the fall of the year with Turner Morehead, and served in the third Regiment of the Virginia Continental line, under the following named officers, Captain Turner Morehead, Major \_\_ Chinn, Colonel Elias Edwards [Elias Edmunds ?], General Charles Marshall, General Posey at the time of the commencement of his service in 1776 he held the commission of a Lieutenant. He marched from Fauquier County in the State of Virginia in the fall of 1776 under Captain Morehead to Schuylkill in Pennsylvania and there joined the main Army under the command of General Charles Marshall, the Army remained at Schuylkill for some time and from thence he marched to Germantown, and was in the engagement at that place [October 4, 1777], after this, he was sent home (to Fauquier) as a recruiting officer, where he remained about eleven months recruiting – he was then ordered to headquarters (which was in the neighborhood Brandywine) and shortly after joining the Army at headquarters was promoted to Captain, and the whole Army under the command of General Marshall returned to the waters of the Schuylkill, where they encamped for several months – afterwards marched near to Philadelphia where they encamped for two or three or perhaps four months. About this time General Marshall went to Kentucky and General Posey took the command of the Army – he then marched under General Posey to York Town in Virginia where he remained until after the surrender of Cornwallis [October 19, 1781] – after the surrender he was ordered to Winchester with a guard over the prisoners, where he remained until the prisoners were called for, to be exchanged, he then marched then to the Maryland Line, where they were received from him, and then he received his discharge – this about the month of January 1782. He states that he had his commission of Lieutenant and Captain at the time of his discharge, which together with his discharge were locked up in his chest; his chest was sent on in the baggage wagon under the care of his Ensign John Norriss, since which time he has never heard of it. He does not now recollect by whom his commissions were signed, Marshall handed him the commission of Lieutenant and after Morehead's promotion to the majority, Colonel Edwards handed him his commission as Captain.

He hereby relinquishes every claim whatever to a pension or an annuity except the present and

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<sup>1</sup> VA. Half Pay

he declares that his name is not on the pension roll of any agency or state.  
Sworn to and subscribed the day and year aforesaid.

S/ Robt. Layton



[p 5]

State of Virginia County of Spotsylvania: Personally appeared before me, a Justice of the peace for the County aforesaid, Captain Robert Layton and made oath that in the year 1775 he entered the old American Revolution Army as a Lieutenant under the command of Colonel Elias Edmonds of Fauquier County State of Virginia and acting as a recruiting officer for twelve months and then marched to the recruits he enlisted to join the Army at the Schuylkill and delivered them to the seventh Regiment under the command of General Muhlenberg's Brigade that he was then changed from the seventh Regiment to the third Regiment under the command of Captain Turner Morehead of Fauquier County Virginia, and was at the Battle of Germantown and continued a Lieutenant for about three years after the battle of Germantown. He then returned home as a recruiting officer and returned again with the recruits and joined the Army. Captain Morehead at that time was appointed Major and he the said Layton was appointed Captain in his stead and continued until the end of the War, he was at the siege of York and marched the troops from thence above Winchester to the barracks and was finally discharged at Leesburg Loudoun County Virginia from Colonel Elias Edmonds, that he left his papers with his Lieutenant John Norris, and has never seen them since nor has he ever been able to get any tidings of them, that he, the said Layton is now about eighty-five years old and has never received either land or money from the state or United States nor anything else for all his services as an old Revolutionary and Continental officer – and that he is now poor and needy or he would not now ask assistance or rather asked Justice at the hands of his country. In testimony whereof I the said justice of the peace for the County have hereunto set my hand this 7<sup>th</sup> day of December 1831

S/ Gabriel Long

[p 8]

Executive Department 5<sup>th</sup> March 1833

The above is a true copy of the evidence upon which Land Bounty was granted to Robert Layton, filed in this Department.

S/ W. H. Richardson

No. 7121      4000 acres

Council Chamber December 19, 1831

Robert Layton is allowed land bounty for 3 years service as a Captain in the Continental, if not heretofore allowed.

S/ John Floyd

[p 9]

State of Virginia City of Richmond: SS

This day personally appeared before me a Justice of the peace in and for the city aforesaid Thomas Right of the County of Goochland and State aforesaid aged seventy-four, and being duly sworn, did certify that Robert Layton of Spotsylvania County acting as a Captain commanded him in the performance of the duty of carrying prisoners to Winchester after the

capture of Cornwallis at Little York, and further that he the said Right was discharged at Winchester when he parted with Captain Layton and returned home.

Given under my hand and seal this 6<sup>th</sup> day of February 1833

S/ Garland Hanes, JP

[p 17]

War Department  
Revolutionary Claim

It is hereby certified that in conformity with the act of the 3<sup>rd</sup> of March 1843 Richard Layton, Elizabeth Gordon, John Layton, and Charles Layton, the surviving children of Captain Robert Layton, deceased, who left no widow, are entitled to the sum of one thousand one hundred twenty-four dollars, it being the amount of pension declared by said act to have been due to said Robert Layton, on the 8<sup>th</sup> of March 1838, the day on which he died. The amount is payable at the Pension Agency for the District of Columbia.

Given at the War Office of the United States this 6 day of April 1843

Secretary of War

Examined and countersigned  
Commissioner of Pensions

[p 18: On January 14, 1854 in Spotsylvania County Virginia, Elizabeth Gordon, 75, filed a claim for whatever bounty or pension may be due her father Robert Layton or his heirs. She signed her application with her mark.]

[Facts in file: The veteran had 2 children, a son Robert and a daughter Ann Ellis who did not survive him. Ann Ellis was survived by 2 children Elizabeth C. and Mary V. Ellis.]

[pp 20-21]

MAY 26, 1842.

Mr. TALIAFERRO, from the Committee on Revolutionary Pensions, submitted the following

### REPORT :

*The Committee on Revolutionary Pensions have, according to order, had under consideration the claim of Charles Layton, executor of Captain Robert Layton, deceased, and report :*

That they find that Captain Robert Layton was placed on the pension roll on the 5th of June, 1833, at the rate of \$373 33 per annum, being for eight months as a captain and sixteen months as a lieutenant, as stated in the Commissioner's letter of March 1, 1842; that he was allowed land bounty by the State of Virginia (4,000 acres) on the 19th December, 1831; that the payment of said pension was suspended on the 19th of August, 1835, upon no alleged error of judgment in the Commissioner in allowing said pension, upon the introduction of no testimony proving fraud or injustice on the part of the pensioner, but upon the simple statement of a stranger that the claim was without merit, and which statement was unknown to the pensioner and his friends for several years; and that his name is still withheld.

Apart from the facts before stated, your committee find that the statement or declaration of said Captain Layton is most circumstantial; that he was in the revolutionary war as captain; and that he was a very old man, of pure and upright character. This testimony was called forth in consequence of the letter aforesaid.

But your committee cannot think the decision of the Commissioner, suspending the pension of the late Captain Layton, for the reason stated, can be defended. A war-worn veteran, bowed with the weight of many winters, himself among the last of that patriotic band which achieved our independence, is offered by a grateful country a bounty to cheer the gloom that gathers about the grave. Some brother veteran, still limping along the broken bridge of time, is called to testify to dangers shared and services rendered. The testimony is barely taken before he tumbles through some unseen and broken arch, to be seen no more forever. But the testimony is sufficient—no additional and useless testimony is taken: the claim is allowed and the old soldier feels grateful and happy. He finds his compatriots sinking around him, soon to be followed; he is one by himself. It is his destiny. Plenty smiles around him, and he marches on with cheerfulness and content, when, lo! a malignant body—perhaps some dis-

appointed speculator—writes a confidential letter to the Commissioner of Pensions, and charges the claim with fraud. The Commissioner, without more ado, suspends it—gives no reasons, but suspends it; establishes a higher rule of evidence, when time has swept that evidence away and the old soldier, amid doubt, anxiety, and want, sinks into an unhappy grave. Can this be right? Your committee think not. A pension once allowed, ought not to be lightly set aside, and new and higher proofs demanded, especially when the difficulty of procuring them is greatly increased, if not insurmountable, not by the act of the pensioner, but by that of the Government. Your committee think the pension ought not, therefore, to have been suspended for the reason assigned; and they therefore consider that the children, or their descendants, of Captain Robert Layton are entitled to the pension of said Robert Layton from the 4th of March, 1835, up to the 8th of March, 1838, the day when he departed this life, and report a bill accordingly.

[p 85]

Warrenton, Fauquier County Virginia August 6, 1835

Dear Sir,

A few days since I was called on as a magistrate to take some affidavits respecting military claims upon the General Government. In the discharge of that duty I ascertained that a fraud has been committed on the government, and that a plan is now in progress to commit a still further [fraud]. The facts as disclosed on this occasion was that a certain Robert Layton, who had already obtained from Virginia 4000 acres of land; & as I understood, now drawing a pension from Government as Captain. This man is well known in my neighborhood, and is equally as well known to have never served one hour during the whole of the war of the Revolution. These are facts detailed to me by a soldier of the revolution, & stated, that Layton or somebody for him had called on him for his affidavit to establish his claim. Layton is known by others in the neighborhood where he lived during the war, and all agree he never did serve in the war. It is stated that he was a Captain of a militia [company], during the war; and that John Norris, of whom I am told he made mention of in his declaration was an officer in his company. This Captain Layton as I further understood, obtained his warrant for land from Virginia spelling his name Lyton. He is now preparing his papers to draw upon the General Government for land and commutation pay in making this communication I have no other motive than to prevent fraud. If called on and I believe I can establish all that is here stated. I am unknown to you. But call on Bernard Hooe, Hugh Smith & George Johnson of Alexandria & they can satisfy you as to my character &c.

I am respectfully  
Your Obedient Servant

[the above letter is labeled as a copy and does not disclose the correspondent's name]

[p 98: Veteran was pensioned at the rate of \$373.33 per annum commencing March 4<sup>th</sup>, 1831, for service as a Lieutenant & Captain for 2 years in the Virginia service. The pension was subsequently suspended based on the accusations contained in the letter dated 1835 copied above, but was reinstated by act of Congress copied above.]

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

To the Governor and Council of the State of Virginia

The petition of the undersigned who was a Lieutenant and then a Captain in the Virginia line in the Continental establishment during the revolutionary War –

Respectfully prays – that his claim in virtue of said services be speedily considered and that your Honorable body be pleased to award and order on the Register of the land office at Richmond to issue a land warrant or land warrants, for the quantity of Bounty Land promised by the various laws of your State and as in duty your petitioner will ever pray &c

S/ Robt Layton



State of Virginia County of Spotsylvania

Personally appeared before me a Justice of the peace for the County aforesaid this 7<sup>th</sup> day of December 1831 John Layton Senior aged as well as credible and disinterested witness who being duly sworn did depose and say that he has long known Robert Layton and verily believes that he

did in the year 1775 entered into the Virginia line in the Continental establishment during the revolutionary war and he served until the end of the war and was finally regularly discharged in the year 1781 at Leesburg. Given under my hand this 7<sup>th</sup> day of December 1831

S/ Gabriel Long JP

State of Virginia County of Spotsylvania: Personally appeared before me, a Justice of the peace for the County aforesaid, Captain Robert Layton and made oath that in the year 1775 he entered the old American Revolution Army as a Lieutenant under the command of Colonel Elias Edmonds of Fauquier County State of Virginia and acting as a recruiting officer for twelve months and then marched to the recruits he enlisted to join the Army at the Schuylkill and delivered them to the seventh Regiment under the command of General Muhlenberg's Brigade that he was then changed from the seventh Regiment to the third Regiment under the command of Captain Turner Morehead of Fauquier County Virginia, and was at the Battle of Germantown and continued a Lieutenant for about three years after the battle of Germantown. He then returned home as a recruiting officer and returned again with the recruits and joined the Army. Captain Morehead at that time was appointed Major and he the said Layton was appointed Captain in his stead and continued until the end of the War, he was at the siege of York and marched the troops from thence above Winchester to the barracks and was finally discharged at Leesburg Loudoun County Virginia from Colonel Elias Edmonds, that he left his papers with his Lieutenant John Norris, and has never seen them since nor has he ever been able to get any tidings of them, that he, the said Layton is now about eighty-five years old and has never received either land or money from the state or United States nor anything else for all his services as an old Revolutionary and Continental officer – and that he is now poor and needy or he would not now ask assistance or rather asked Justice at the hands of his country.

In testimony whereof I the said justice of the peace for the County have hereunto set my hand this 7<sup>th</sup> day [images posted cuts off at the bottom thereof at this point].