

Southern Campaigns American Revolution Pension Statements and Rosters

Pension Application of James M. Marshall S7173

VA Half Pay

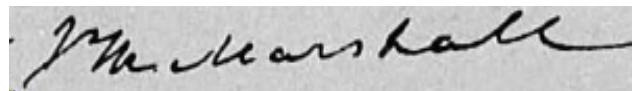
Transcribed and annotated by C. Leon Harris. Revised 1 June 2015.

State of Virginia }  
County of Frederick } S.S.

On this 23<sup>d</sup> day of May 1833 personally appeared before the Honourable Richard E Parker judge of the Circuit Superior Court of Law & Chancery for the County of Frederick in open Court, James M Marshall a resident near Frontroyal in the County of Frederick [sic: Front Royal in present Warren County] & State of Virginia who being first duly sworn according to Law doth on his oath make the following declaration in ord[er] to obtain the benefit of the provision made by the Act of Congress passed June 7<sup>th</sup> 1832. that he entered the Regiment of State Artillery of Virginia commanded by the late Colonel Thomas Marshall in September 1779[?] his first Commission was dated in the month of February 1780. He marched from Williamsburg early in April of the same year with a detachment commanded by Lieutenant Colonel Porterfield [Charles Porterfield, BLWt1145-450] and composed of parts of the State Artillery and State Garrison Regiments of a corps of horse under the command of Major Nelson [John Nelson W5414]

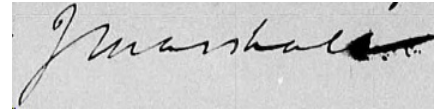
They were ordered to Charlestown, but before they had reached the borders of South Carolina, they received intelligence that Charlestown had fallen [12 May 1780], they continued to advance untill they were met by a part of the broken remains of Colonel [Abraham] Buford's detachment, which had a few hours before been defeated by Colonel Tarleton [at Waxhaws SC, 29 May 1780]. After a short halt to collect the wounded & stragglers Colonel Porterfield commenced his retreat & at Hillsborough [sic: Hillsborough NC] placed his detachment under the command of the Baron De Kalb. Before the commencement of Autumn the said James M Marshall had resumed his post in the garrison of York in Virginia, where he was attacked with a fever common to those who had served with him that year in Carolina, from which he did not recover so as to be fit for duty until late in the month of May following. M. Lafayette was then retreating before Lord Cornwallis & the said James M Marshall joined M. Lafayette a short time before he was reinforced by General Wayne [Anthony Wayne on 10 Jun 1781], & continued with him until Lord Cornwallis had retreated towards Richmond, when the said James M Marshall returned home to procure[?] some necessary clothing to enable him to take part in the contest expected to take place in the fall, and accordingly some time before the commencement of the siege of York [on 28 Sep] the said James M Marshall joined a regiment commanded by Colonel [Thomas] Gaskins & made up of the remains of a variety of Virginia regiments, which being deficient in officers, he the said Marshall was ordered to act as a Lieutenant in a company commanded by Lieutenant Albert Russell [VAS84] (late General Russell of Loudon [sic: Loudoun] County) & with this regiment he remained on duty until after the surrender of the British Army at York [19 Oct 1781] then left this Regiment, being unwilling to resign his commission in the State artillery & has not since been in active service. The said James M Marshall had the Commission of Lieutenant of Artillery in the company commanded by Captain Thomas Marshall Jr in the regiment of State Artillery of Virginia

He the said James M Marshall hereby relinquishes every claim whatever to a pension or an annuity except the present and he declares that his name is not on the Pension Roll of any Agency in any State unless it be in some list of the officers of the Line in Virginia & as such entitled to half pay under the Act of Assembly of the said State providing for the case of such officers. Sworn to and subscribed the day & year aforesaid



James M. Marshall was appointed a Lieutenant in the state artillery regiment of Virginia late in 1779 or very early in 1780, I do not recollect which. He marched with a part of that regiment in the legionary corps commanded by Lt. Colo. Charles Porterfield for South Carolina. On the march he was seized with a dangerous bilious fever, and returned home on furlough. He was afterwards in service and was as I have always understood at the siege of York in Virginia. I was not myself at that siege, and of course did not see him there but it is impossible I can be more certain of any fact I did not witness myself. The Virginia regiment of state artillery was commanded by Colo. Thomas Marshall. I am also as confident as I can be of a negative that Lieutenant Marshall never resigned

[John Marshall S5731; Chief Justice of the Supreme Court]



Sworn and Subscribed to before me a Justice of the Peace this  
22nd day of March 1833 J M Keldae JP

Winchester Virginia/ January 28<sup>th</sup>, 1856

Hon Robt. J Atkinson

Sir Some time ago I sent to the commissioner of Pensions a power of Attorney for James Marshall, son & executor of James M Marshall a Lieut in the Virginia State line, to which I refer you for authority to investigate the claim of Lieut Marshall – the Power of Atty was filed about a year ago –

Mr Marshall served in the Virginia Reg't of Artillery, commanded by his Father Thos Marshall & became supernumerary in April 1781 – therefore entitled to half pay for life – sometime about 1826 his claim without his authority was prosecuted to judgement & the sum of \$9,400 was obtained by his son after 1832.

His son for whom I am acting declines to make any claim for his half-pay after the 4<sup>th</sup> of March 1832 for the reason that his Father then drew a Pension under the Act of 1832 during the rest of his life (1850) as may be seen by reference to his pension papers on file in the office of the Commissioner of Pensions, but desires to prosecute his claim for half-pay promised by Virginia, from the date of the judgement to the 4<sup>th</sup> of March 1832 –

I desire to know the forms for proceeding under the Act of 5<sup>th</sup> July 1832, so that he can recover that sum if still due, as he says it is, with the interest on it until the judgement thereof

That Marshall did not die as may be seen by the papers before referred to until 1850 and of course was entitled under the Act of Assembly of Va (1779) to his half-pay for life & he only received it as you may see by reference to your books, up to the date of the judgement against the State of Virginia.

Your [illegible word] reply will greatly oblige

Yours With great respect Thos. A. T Reily[?]

NOTES:

James Markham Marshall was the brother of Capt. Thomas Marshall, Jr. referred to in his declaration, and also the brother of Chief Justice John Marshall.

Much of the 73-page federal pension file deals with legal issues regarding the awarding of half pay for life to James M. Marshall.