

Southern Campaigns American Revolution Pension Statements & Rosters

Pension application of James Withers¹ W4399

Susannah Withers

f86VA

Transcribed and annotated by Will Graves

10/10/11: rev'd 6/17/23

[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' or 'undeciphered' 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 8th of June 1786." Please call material errors or omissions to my attention. Researchers should not rely solely on the transcripts but should review the originals for themselves. These transcripts are intended as an aid to research, not to be used in lieu thereof.]

[p 4]

State of Virginia Culpeper County

On this 14th day of August 1832 personally appeared before the County Court of Culpeper, now sitting, James Withers a resident near Sandy Hook in the County of Culpeper and State of Virginia, aged seventy five years on the 22nd day of September 1832, who being first duly sworn according to law doth on his oath make the following Declaration in order to obtain the Benefit of the provision made by the act of Congress passed June the 7th 1832.

That in the year 1777 or 1778 he obtained from the Governor and Council of the State of Virginia Patrick Henry being then Governor an Ensign's Commission in one of the Regiments raised by Virginia for the Army of the United States which he held from six to twelve months, that the Lieutenant with whom he served was John Shields, and the Captain with whom he served was John Lee, that as Ensign he served at Williamsburg and Hampton Virginia, that at that time he was not attached to a Regiment. That the said John Lee was a Captain of Marines. That they were chiefly Stationed at Hampton Virginia for its protection that he marched with his officers to Alexandria now in the District of Columbia, that he was there inoculated with the smallpox and after his recovery he then received the Commission of a Lieutenant and was attached to the first Virginia State Regiment, commanded by Major Allison [John Allison], whose Christian name he does not remember Lieutenant Col. William Brent and Col. George Gibson that he marched through the State of Maryland and Pennsylvania and joined the Army after the Battle of Germantown [October 4, 1777] at Pigeon Hill near Philadelphia, that when he entered the service he resided in the County of Fauquier Virginia, that he was in winter quarters next at Valley Forge. That as Ensign and Lieutenant he had served about two years when he was taken sick and removed to a Hospital at Bethlehem in Pennsylvania, that he remained there a long time and until he was reduced so low that he was advised by Lieutenant Col. Brent, who visited the place to return home, that he received from him a permit and returned to his home in Fauquier Virginia, that he remained there sick until from the time of the Beginning of his service three years had expired, the term appointed for the service of the Regiment that he was in no Battle, that he has not preserved his Commissions, that besides other evidence which he can procure if necessary, he relies upon the subjoined affidavit of John Corder² which he now furnishes, because it is convenient the said John Corder being now present that he hereby

¹ BLWt1938-200 See N. A. Acc. No. 874 050 199 Half Pay James Withers

² [John Corder \(Carder\) S10121](#)

relinquishes every claim whatever to a pension or annuity except the present, and he declares that his name is not on the pension Roll of any agency of any state.

S/ James Withers Senr.

This 14th day of August 1832, John Corder a credible witness aged 71 years appeared in open Court and made oath that he has been acquainted with the above named James Withers ever since his boyhood, that he knows that he did serve as an officer in the Revolutionary Army, that he was engaged in recruiting soldiers before he left his home, that he was reputed while so engaged to be an Ensign, and that while the said John was a soldier, he met with the said James in Fredericksburg who was an Ensign, that he then heard from him that he was on his way to join the northern Army.

S/ John Corder

[p 5: The Clerk of Court certified the above documents to be true copies of documents, the originals of which are in the County Court records.]

[p 26]

A Copy from the Original


I do hereby Certify that in the year 1777 or 1778 James Withers Senior of Fraqr. County was appointed an Ensign in the State troops by the Governor & Council of Virginia then Came home and enlisted his Quota of men, and marched to Williamsburg, and was Ordered from there to Hampton under the Command of Capt. John Lee and in the Spring following the Company was ordered up to Williamsburg again, and there Joined the first State VA Regiment Commanded by Col. Gibson Lieutenant Col. William Brent and Major Allison, then marched to Alexandria and was inoculated for the small pox at which time he was promoted to a Lieutenant in the Continental establishment from thence marched to the north, and Joined General Washington at Pigeon Hill, the brigade Commanded by General Muhlenberg [Peter Muhlenberg] then took Winter quarters at the Valley Forge, And then Howe [British Genl. William Howe] left Pennsylvania and marched into the Jerseys, and the next fall [James Withers] was taken sick and carried to Bethlehem, and there stayed until the term of Our enlistment was nearly Out, and returned home very sick it being three years or more. Given under my hand this 4th day of December 1832

S/ Spencer Withers

I do hereby Certify that the within Certificate is a true Copy from the Original which was taken Subscribed & Sworn to before Charles Shackelford a Justice of the peace for Culpeper County as appeared from the face of the Original Certificate. Given under my hand this 17th day of December 1832

S/ Robt. Eastham

[p 51: A power of attorney dated March 23rd 1833 given by James Withers to John S. Barbour to act in Withers' behalf in pursuing his claim to a federal pension.



James Withers

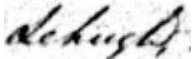
[p 23: very faint document deciphered as best I could]

At a Court Continued and held for Culpeper County on Saturday the 23rd day of March 1833 –

It is ordered to be certified that this day James Withers Senior now in his seventy Sixth year of his age appeared in open Court and proved the following facts by the witness hereafter mentioned, John Corder, an aged Soldier of the Revolution swears that he has known the Reverend James Withers now a Minister of the Gospel in the Baptist Church from his boyhood, that he was in service with him in the Revolutionary war first at Williamsburg and Hampton in the State of Virginia at which time the said Withers was an Ensign in Captain Lee's company that whilst in service he remembers distinctly that Mr. Withers met him in the Government Capitol in Williamsburg and informed him that he was transferred to Colonel George Gibson's Regiment and that he was about marching to Alexandria with the Regiment where they would be inoculated with the smallpox and that said Gibson's Regiment did shortly after march and Withers in it for the North. He was informed and verily believes that after said Withers served several years that he was severely afflicted with rheumatism that he was for a length of time confined at the Yellow Springs and afterwards in the military Hospital at Bethlehem in Pennsylvania and that he was for a long time in bad health after he returned to the State of Virginia. Captain John Barber³ another aged soldier of the Revolution swears that he was in service as issuing Commissary in Virginia in 1777 that he then saw the said Withers in service in Gibson's Regiment in the capacity of Ensign that he marched to the North and did not return until the time full which Gibson's men enlisted had expired that after his return he was a great while in the low and lingering bad health that said Withers held his commission of Lieutenant in that Regiment which he saw and he believes that he would on the recovery of his health at any time have continued service had he been required so to do Said witness is satisfied that Mr. Withers never did resign his Commission in Gibson's Regiment and that his long sickness and loss of the use of his limbs which continued for years so as [indecipherable word] [an entire line of text and perhaps 2 lines are compromised and totally illegible] a respectable old lady swears that said Withers returned in 1780 or the beginning of 1781 from the Army in the North his constitution seemed to be gone and the use of his limbs apparently lost to him. He lay a long time sick afterwards. She lived within a mile of Wither's Father and then heard and believes that he returned without resigning his Commission and after heard that he was to go again to the Army whenever called for about this last she cannot be mistaken as it was a subject of frequent talk among the members of the family and neighborhood. Spencer Withers⁴ a Soldier of the Revolution and now very old, swears that the Reverend James Withers is his brother, that he went from Williamsburg an Ensign in Gibson's Regiment to Alexandria that he was promoted to a Lieutenant in said George Gibson's Regiment that he was at Germantown, Pigeon Hill, Valley Forge and marched to the Jerseys, that his brother's suffering with rheumatism were very great that he and his father went to see him when he lay mightily low at the hospital at Bethlehem Pennsylvania that Colonel Gibson and Colonel Brent visited him in the hospital when their Regiment was about returning to the South which was just before the enlistment of the men expired they or one of them said to him that it was impossible for him to march back in his condition, that they would give him a furlough to get home as well as he could and that when he was wanted he should be called in. Mrs. Groves an old lady swears that she met Mr. Withers with two of her brothers named Lehugh⁵ that they were in the same Regiment and the Company

³ I could find no record of this veteran having filed for a federal pension or having received any pension or bounty land warrant from the State of Virginia.

⁴ [Spencer Withers S6400](#)

⁵ 

with Mr. Withers that they were a counting over all the Services and sufferings they had all undergone they are now both dead their statements as she swears about corroborates what the other witnesses have sworn to. William Payne of Fauquier swears that he has long known Mr. Withers that he was an officer in the first Virginia Regiment recruiting men in the area part of the year 1777 that he marched to the northward that year and he did not afterwards see him for many years. In the year 1829 at June Court it was ordered to be certified that said Withers was a Lieutenant in the first Regiment of the Virginia line of Continental establishment that he was more than three years in service and returned home from the northward low in health and remained a long time confined by sickness. And it is now ordered to be further certified that the Certificate made by the court in 1829 was made in part upon the evidence of the late Major Broadus⁶ an officer in Gibson's Regiment who then said that Withers was as much entitled as any officer in that Regiment to the emoluments provided for he did as much service and suffered a great deal more in sickness produced by his service than any of them. The said Broadus is since dead, but his declaration to the effect is proved to the Court it was further proved to the satisfaction of the court that said Withers was in the minute service in 1775 that he was at the battle of the Long Bridge⁷ that he was in the Company in which William Pickett was Captain and John Marshall (now Chief Justice) was Lieutenant and the court further certifies that they give full credence all the witnesses and that said Withers has been for a great many years a Minister of the Gospel of the Baptist Church, that his character is very fair, that he was examined on oath before the court and after cross-examination the Court has no hesitation in certifying the opinion that the said Withers served in actual service more than three years that he was an officer (both Ensign and after that Lieutenant) in Colonel George Gibson's Regiment, that he was an officer in that Regiment when it was disbanded by the expiration of the enlistments of the men, that he was low and lingered in sickness and rheumatism for more than two years thereafter and was unable to attend to business of any kind that his life was despaired of by his parents and friends for a great length of time that he never did resign his commission and that he would have entered service again if he had been required to do so and his health would have permitted. The court further certify that part of the above is within the knowledge of Colonel David Jameson⁸ himself an officer [entire line obliterated]

[Certified as a true copy of court records March 30, 1833 by F.T. Lightfoot]

[p 65]

The deposition of Spencer Withers of lawful age taken at the house of James Withers in the County of Rappahannock in the State of Virginia on the 8th day of August 1833 to be offered as evidence of the Revolutionary Services of James Withers.

This deponent being duly Sworn deposes, and saith that James Withers came home from the regular Service unwell, and remained until he got partly well, then volunteered, and went to York town and not as a militia man, and that he was still a supernumerary in Gibson's Regiment, although he volunteered to march to York town.

This deponent further saith that when James Withers arrived at York town he the deponent was then Just discharged from a tour of duty which he had Served for William Withers his Brother-in-law and promised after he had come home and rested a few weeks he would return, and see the troops, and did so, and in the meantime the said James Withers was taken sick with a former

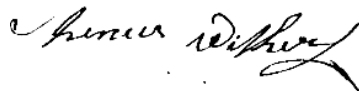
⁶ [William Broadus W8396](#)

⁷ Battle of Great Bridge, December 9, 1775 <https://www.myrevolutionarywar.com/battles/751209-great-bridge.html>

⁸ [David Jameson S5607](#)

Complaint and he the deponent found him lying Sick in the Hospital, and furnished him his Horse in Order that he might get home. This deponent further saith that James Withers was sick long before going to York town, and the sickness under which he was laboring on his return to that place was a relapse of a former illness, and that his return home was in consequence of bad health. This deponent further declares that the affidavit heretofore given contains the truth.

S/ Spencer Withers



[p 66]

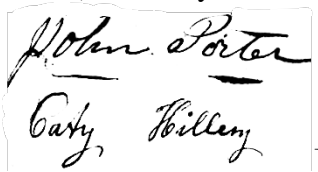
The deposition of Spencer Withers aged Seventy one years testifies that he was well acquainted with James Withers late of Rappahannock County Virginia that the said James Withers was a Lieutenant in the Virginia state line in the Revolutionary war and that the said James Withers continued to Serve as a Lieutenant in the Virginia Stateline as aforesaid for the term of three years and until said War ended he further Testifies that the said James Withers was married to Susannah Hord on the ___ day of August in the year Seventeen hundred and Eighty and before the last period of the Service of the said James Withers as Lieutenant in the War of the Revolution aforesaid expired he further Testifies that the said James Withers died on the 16th day of October in the year 1834 he further Testifies that said Susannah Withers (late Susannah Hord) as aforesaid widow of the said James Withers is now living and that She has never married since the death of her husband the said James Withers – that the said James Withers died the 16th day of October in the year 1830-4 as aforesaid.

S/ Spencer Withers

[Certified as of November 23, 1836 by Robert Eastham, JP in Rappahannock County]

[p 9: On November 23, 1836 in Rappahannock County Virginia, Susannah Withers, 78, filed for a widow's pension under the 1836 act as the widow of James Withers; that she married him in August 1780; that her husband died October 16, 1834 and that she has remained his widow. She signed her application with her mark.]

[p 11: Letter dated Oct. 31, 1844 written from Warrenton, Fauquier County, VA by John Porter and Caty Hillery in which it is stated that the veteran died leaving only three daughters surviving him, to wit: Fanny who is the executrix of the estate of the veteran's widow, Ailsey (wife of John Porter) and Caty.



[Facts in file: The widow died December 13, 1836 leaving the following children her surviving: Fanny Withers, Caty Hillery and Ailsey, wife of John Porter.]

[Veteran was pensioned at the rate of \$320 per annum commencing March 4th, 1831, for two-year service as a Lieutenant in the Virginia Continental line. Veteran's widow was pensioned at a

like amount.]

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

Addendum to James Withers W4399

Transcribed and annotated by C. Leon Harris. 17 June 2023.

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

Sir Culpeper March 28th '33

I send you herewith a copy of the records of Culpeper Court [of 23 March 1833 transcribed above] setting out the testimony at large of sundry witnesses on behalf of the said Jas Withers. It appears to me that he ought to be regarded as in service from July '76 to the 22nd of April 1783. He was confined in Hospital & left it on furlough. You will find his name on the list of State officers & spelt Weathers, that being the usual mode of pronounciation. George Gibsons regement was regarded as a State regement until recently. The executive departments at Washington, (upon an act of Octo 1777) have lately determined it to be a Continental regiment, and so in 1829 a certificate was made that Withers was in continental service that regiment being then regarded as Contenental. The warrant can issue in any way deemed best. It might be most coherent with the facts to state that it was for service in Colo Geo Gibson regement, first in State & after in continental establishment. May I ask the kindness of your attention to this matter that the warrant may be forwarded to Washington without delay. Be good enough to write me to Culpeper C. H. as soon as the Executive dispose of the question & let me know the number of acres allowed, that the old man may send the fee (according with it) to the Register. Very Resp^{'ly} yrs/ J. S. Barbour
W. H. Richardson Esq/ Sec^{'ty} Co[mmon]wealth

[From [rejected claims in the Library of Virginia.](#)]

To His Excellency the Governor of Virginia [12 March 1838]

Your petitioners the only children & heirs of James Withers dec'd. beg leave to represent to your Excellency that their father was enlisted in a Minute Company raised by Captain William Pickett in Fauquier County Va. in the fall of the year 1775 & Marched into the service about the last of September of said year; that he was in the engagement at the battle of the Great Bridge [9 Dec 1775], & that he was subsequently commissioned a Lieutenant before he left the ranks, & that he was attached to Captain Winsor Brown's [Windsor Brown BLWt1816-300] Company in Col. Geo. Gibson's Regiment when in service until compeled to leave the service from severe Rheumatism; that he again joined the army when Virginia was invaded by Lord Cornwallis & was at the Siege of York For a confirmation of this statement your excellency is respectfully refered to our fathers own statement – his proof in his case when he applied for bounty land in 1833 Two of us to wit Fanny & Catherine Withers reside at the late residence of our Father in Rapahannock Co. & Ailcy Porter with her husband John Porter resides in Fauquier County. We respectfully ask your Excellency to allow us any additional bounty in land that may be due for the Revolutionary Service of the said James Withers dec'd.

We are your Excellency's ob^{'t} Serv^{'t}.

Fanny Withers Catherine Withers Ailcey Porter

filed without further evidence

Rejected DC [Gov. David Campbell]

NOTE: In the Virginia Half-Pay records on fold3.com is a power of attorney dated 14 Oct 1844 and signed by Fanny Withers as executrix of her father's estate.]