

Southern Campaign American Revolution Pension Statements

Pension Application of James Higginbotham R15097

Transcribed and annotated by C. Leon Harris

State of Virginia - Amherst County towit:

At a Court of monthly Session held for the said county before the Justices of said court at the court house on monday the 17th day of December in the year one thousand eight hundred and thirty two, and in the year of Independence, the fifty seventh.

On the motion and application of Joseph C. Higginbotham of the County of Bedford, and George W. Higginbotham, James Higginbotham and Joseph Dillard and Judith his wife, of the said County of Amherst — It is ordered to be certified to the Governor and Council or other proper authorities of the Commonwealth of Virginia and to the proper department or departments of the Government of the United States at the City of Washington having cognizance of claims for Revolutionary services — That it satisfactorily appears to the court from the testimony of Benjamin Higginbotham [pension application S5542], Frederick Padget [Frederick Padgett, S8930], and Anderson Thompson [S17145], whose affidavits have been duly taken, and now presented to the court and duly affiled marked A. B. and C. and a certificate or Receipt, bearing date the 6th day of march in the year 1779 purporting to be the Certificate or Receipt of the late Colo. James Higginbotham of the said County of Amherst for a Recruit by the name of Thomas Oglesby enlisted as a Soldier in the regular army of the United States for the term of eighteen months, during the war of the Revolution - which said Certificate or Receipt is proved to the Court to have been drawn by the said Colo Higginbotham in the proper hand writing, and from the antiquity of its date, general appearance, and other circumstances, the court believes to be genuine - now presented to the court and also truly affiled and marked D — as also by a Commission bearing date the 1st day of November 1775 appointing the said James Higginbotham, Major of the Militia of the said County of Amherst, and granted by Edmund Pendleton, Thomas Lud Lee [Thomas Ludwell Lee], P. Carrington, Dudley Digges, and James Mercer “Committee of Safety for the Colony of Virginia” now present to the court and also duly affiled and marked E.

That the said James Higginbotham entered the military service of the country in the war of the Revolution, as Major of Militia, in the year 1776 and in that year performed Military duty, in and about the City of Williamsburg in said State.

That the said James Higginbotham continued in the said service in a military capacity, the whole or greater part of the time from the period aforesaid until about the year 1778 when he was promoted to the Office of Colonel, or appointed to some other grade of a commissioned officer, commanding in the “Virginia State line” or on “Continental establishment” in the war of the Revolution, and believed to be the Ninth Virginia Regiment - in which capacity the said James Higginbotham continued to serve, principally as a recruiting officer until the close of the war but no commission in the said “State line” or other regular service is produced, and the court is satisfied that the same has been lost or destroyed, and that the said James Higginbotham in his life time, was well entitled to the pay due to the Officers commanded in the said “Virginia line” or in Continental establishment in the war of the Revolution - promised by the Legislation of said State, and provided for by an Act of Congress approved July 5th 1832, entitled “an Act to provide for liquidating and paying certain claims of the State of Virginia” or by some other Act or Acts of the Congress of the U. States.

And it is also ordered to be certified to the authorities aforesaid; that it satisfactorily appears to the court -

That the witnesses whose testimony has been taken and affiled as aforesaid are persons of unimpeachable veracity, and their statements entitled to full faith and credit. That the said James Higginbotham departed this life in or about the month of March 1813, that he was at the time of his death between eighty and ninety years of age. That he died intestate, and that letters of administration of his estate has not been granted to any person whatever.

And it is also further ordered to be certified to the authorities aforesaid that it is satisfactorily appears to the court -

That the said Colo James Higginbotham departed this life, a resident in the said County of Amherst - that he died a widower, without children or the descendants of Children; except the aforesaid Joseph C. Higginbotham, George W. Higginbotham, James Higginbotham, and Judith Dillard formerly Judith Higginbotham; all of whom are now alive, and are the heirs at law and distributees of the Estate of the said James Higginbotham dec'd., in equal degree, as children of the said decedent

State of Virginia - Amherst County, towit:

This day personally appeared before me Henry J. Rose a Justice of the peace in and for said county Benjamin Higginbotham of the same County aged Seventy five years - who being sworn in due form of law deposeth and saith -

That he is now seventy five years of age, of sound mind and memory, but infirm of body and cannot conveniently travel to his county court house. That he was born and raised in the said County of Amherst and never resided elsewhere. That he is the nephew on the Fathers side of the late Colo James Higginbotham who departed this life, a resident of said County in the year 1813 said, and believed to be between eighty and ninety years of age at the time of his death. That from his birth to the death of the said James Higginbotham he resided in the same County of Amherst with the said James, and knew him well. He knows that the said James Higginbotham entered the military service of his Country in the war of the Revolution as a Major of Militia in the year 1776, and was stationed part of his time in that year, at the City of Williamsburg in said State. That during the progress of the War, and as he thinks about the year 1776 the said James Higginbotham was promoted, and bore the title of Colonel in one of the regular Regiments (he thinks the 9th) of the State line, raised in pursuance of an Act of the Legislature of said State and continued to act in that capacity from the time of his said promotion to the end of the war. He knows that said James Higginbotham was in the last mentioned service, at the Albemarle Barracks in the year 1779, acting in the capacity of a Colo in the said State line, as also at the city of Williamsburg and Yorktown in the year 1781 - he the said Benjamin being in the service himself at that time, and placed on a detachment to collect Beef Cattle for the use of that portion of the army to which the said Colo. Higginbotham belonged. He knows also that the said James Higginbotham served regularly in the War of the Revolution from the year 1776 nearly the whole of the time until its close - that he has known him to be from home in the said service more than eighteen months at a time. He is positive in this because in the absence of the said James Higginbotham, and at his request, he superintended his plantation affairs in the said County of Amherst. That the said James Higginbotham was chiefly engaged in the Recruiting Service, in which he was more than ordinarily successful has seen him recruiting men for the army of the Revolution at the Court house of the said County of Amherst, for the term of eighteen months and during the War - he remembers particularly of having seen him enlist the same Fredrick Padgett now residing in the County of Bedford, whose testimony has been taken to that effect, in support of the application of the heirs of the said James Higginbotham for the compensation due him for military services. That he has often heard the said James Higginbotham say the Country was largely indebted to him for Military services as a Colonel in the State line, that he had never received the compensation due to him, but had confidence that the State, when she could, would do him justice, as he had served her faithfully, and much to the detriment of his private affairs. That the station of the said James Higginbotham in the Army of the Revolution was matter of perfect notoriety at the time and for many years after the close of the war - but the men of that time have so nearly passed away but few are left who can testify with certainty any thing about it - he knows of none who are now alive except the said Padgett and himself. That the said Colo James Higginbotham being almost constantly engaged in the recruiting service, whilst he the said Benjamin was himself in the army or otherwise had any knowledge of the particular duties he performed, that he the said Benjamin does not now recollect, if he ever knew, who were the General or Field Officers, with whom the said Colo. Higginbotham served in the said State line - what Battles he was in or where stationed, farther than above stated - but believes on account of his peculiar capacity for recruiting, he was principally confined to the State of Virginia, he never new him to be stationed, or serve beyond the limits of the State. That the said Colo James Higginbotham at the time of his death had four

children only towit. Joseph C. Higginbotham, Geo. Washington Higginbotham, James Higginbotham, and Judith who had intermarried with Joseph Dillard - all of whom are now alive, and reside in the said County of Amherst, except the said Joseph C. Higginbotham, who resides in the County of Bedford in said State - and that the wife of the said Colo. Higginbotham departed this life before him. That he the said Benjamin Higginbotham after the close of the Revolutionary War, was commissioned a Capt. of Militia in said State, and acted in that capacity many years, attached to the 90th Regiment Virginia Militia of the said County of Amherst - but he does not know that the said Colo. James Higginbotham performed any Militia duty after the close of the Revolutionary War - he does not think he did because at that time he must have been nearly sixty years of age, being advanced toward fifty when he first entered the service, but remarkably active, hardy, and athletic, and so continued to a very advanced age.

Benja. Higginbotham

Sworn and subscribed in maner and form aforesaid, before me a Justice of the peace as aforesaid this 6th day of December, Anno Domini 1832.

The Committee of safety for the Colony of Virginia, to James Higginbotham Esq'r.

By virtue of the power and authority invested in us, by the Delegates and Representatives of the several Counties and Corporations in General Convention assembled, we, reposing especial trust and confidence in your patriotism, fidelity, courage and good conduct, do by these presents constitute and appoint you to be Major of the Militia of the County of Amherst; and you are therefore carefully and diligently to discharge the trust reposed in you, by disciplining all Officers and Soldiers under your command. And we do hereby require them to obey you as their Major. And you are to observe and follow all such orders and directions as you shall from time to time receive from the Convention, the Committee of safety for the time being, or any Superior Officers, according to the rules and regulations established by the Convention. given under our hand at Williamsburg this 1st day of November, Anno Domini 1775.

Edm'd. Pendleton. John Page. Thos. Lud. Lee. P. Carrington. Dudley Digges. J's. Mercer.

Amherst County, towit:

This day I received from James Henderson, Thomas Oglesby, who acknowledge themselves to be regularly enlisted for the 13th division to serve as a Soldier in the Army of the United States of America for eighteen Months. Given under my hand this 6th day of march 1779

James Higginbotham

[Above two documents certified as true copies.]