

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

Pension Application of Byrd Chamberlayne R22

VA Sea Service/ Half Pay

Transcribed and annotated by C. Leon Harris. Revised 26 Aug 2018.

Fleetwood [illegible word] P.O  
Sept'r. 9<sup>th</sup> 1856

Col E. T. Montague

Dear Sir/ At the request of Mrs. Evelyn B. Pollard widow of the late Robert Pollard of King Wm. [King William County VA] who is now at my home, I write you, to inquire what prospect there is of recovering any amount, from the Government of the United States, for services rendered by her dec'd. father Byrd Chamberlayne who was a Lieut in the Navy during the Revolutionary war, and as she has been informed & believes remained in service to the end of the war. Mrs. Pollard informs me that you were employed by her dec'd. husband some years ago to attend to this claim. As she has heard nothing from it since – she is very anxious to know at once, whether she can calculate on receiving any thing from that source, and what are the difficulties in the way of a speedy settlement of the claim? if there is a prospect of recovering any amount? Presuming you have examined into it some years ago, she will be greatly obliged to you to inform her through me, what the condition of the claim is.

I will add that I feel a great interest in the matter as a friend of Mrs. Pollard, who is one of the most amiable persons I ever knew, And who is not only deeply afflicted by the loss of an affectionate husband with whom she has spent so large a portion of her life, but her pecuniary circumstances are such as to render it especially desirable to receive at as early a day as possible whatever may be due to her as one of two only surviving heirs of her dec'd. father.

Mrs. Pollard desires me to present her best respects to you. And with which you will accept the kind regards & esteem of your old friend & brother Alex'r Fleet

Rejected, See Letter to E. T. Montague, Mch 21/57

[The following are from [bounty-land records in the Library of Virginia.](#)]

The Affidavit of James Jones [S5624] of King William County, one of the surviving revolutionary Soldiers, aged eighty one years, made and subscribed this 10<sup>th</sup> day of November 1830.

This affiant being first duly sworn on the holy Evangelists of Almighty God saith that he was well acquainted with Byrd Chamberlayne formerly a resident of the aforesaid County that he well recollects that the said Byrd Chamberlayne enlisted in the Naval service and was Commissioned a Lieutenant in said service some time after the commencement of the Revolutionary War; that he understood from common report, that the said Byrd Chamberlayne was taken prisoner together with some other American Seamen by the British, and carried to England where he was kept in captivity for some length of time, but how long he was kept in confinement as a prisoner of War or how long he was in the service this affiant does not know; that some time after the said Byrd Chamberlayne had been kept in captivity he made his escape and returned to the United States. This affiant understood from general report that the said Byrd Chamberlayne died in the month of December 1800, the Vessel in which he sailed from Virginia destined for Baltimore having been lost in a violent storm which happened on the 12<sup>th</sup> day of December 1800.

The Affidavit of Benjamin Figg of King William County aged sixty one years made and subscribed this eighteenth day of November 1830. This affiant being first duly sworn on the holy Evangelists of Almighty God; saith that he was very intimately acquainted with Byrd Chamberlayne, formerly a resident of the aforesaid County, having lived for several years a near neighbour to him, that he perfectly recollects, that the said Byrd Chamberlayne went into the Naval service of the United States soon after the commencement of the Revolutionary War, and that he has often heard the said Chamberlayne, and also Captain John Hamilton who went in the same Vessel as sailing master under Captain Harrison [sic: John Harris R41?] say that the said Chamberlayne held Lieutenants Commission and that the said Chamberlayne was with some others taken prisoner by the British and carried to England where he was kept in captivity as a prisoner of War for some time after which he made his escape from captivity and returned to the United States and about the year 1778 or 1779 the said Byrd Chamberlayne again enlisted as a Lieutenant in the Naval service on board the Ship Tartar commanded by Captain Taylor [Richard Taylor S25873], and this affiant verily believes that the said Byrd Chamberlayne continued in the service as a Lieutenant from that time until the termination of the War, never having heard of his quitting the service.

This affiant has a brother who enlisted as a midshipman with Capt. Taylor on board the same Ship with the said Byrd Chamberlayne, and was several times on board the Ship, then lying in the Mattapony [sic: Mattaponi] River near Frazers Ferry in company with the said Chamberlayne, and recollects to have seen him once while the Ship was lying there, come on shore with several of the Sailors to the Town of Frazers Ferry and treat them with something to drink. This affiant [undeciphered word] from general report that the said Byrd Chamberlayne died in the month of December 1800, the Vessel in which he sail'd from Virginia destined for Baltimore, having been with several others, lost in a violent storm which happened about the middle of December 1800 Benjamin Figg

[The following are from [rejected claims in the Library of Virginia](#). The file also contains an affidavit by Moses Standley (Stanley) W3886 that is mostly illegible.]

Friday the 21<sup>st</sup> day of August 1778.

Lieutenant Byrd Chamberlayne personally appeared before the Board and resigned his Commission which ordered to be filed. Virginia Auditors Office/ Novbr 28 1831

I certify that the above is a true extract from an old Journal in this Office appearing to be the Journal of the Navy Board As Witness my hand this day above written Jas E Heath

In the name of God amen. I William D. Chamberlayne of the County of King William and Parish of St. Johns do make and ordain this my last Will and Testament in manner following. 10[?] That is to say I give and bequeath unto Will H. Madison my whole Estate both real and personal to him and his heirs forever; revoking all other Wills by me heretofore made. In Witness whereof I have hereunto set my hand and seal this 2<sup>d</sup> day of October 1809. W. D. Chamberlayne

in the presence of/ Conway O. Lipscomb/ John Camm Pollard

At a Court of monthly sessions, held for King William County, at the Courthouse, on Monday the 26<sup>th</sup> of October 1814./ This last Will and Testament of William D Chamberlayne dec'd was proved by the oaths of Jno C. Pollard and Conway O Lipscomb, two witnesses hereto subscribed, and ordered to be recorded. Teste Ro. Pollard Clk./ A Copy Teste Ro. Pollard Clk.

I Spotswood D. Chamberlayne of the County of King William and Parish of Saint John, do make and ordain this my last Will and Testament, Vizt. I give and bequeath to my brother Thomas D. Chamberlayne the following negroes, James, Sally, sometimes and imperfectly called Saul, Eliza and child Hill, and the future issues of said women; also the debts that are now, and may hereafter be due me, and all other personal property that I am now possessed of, and that I may hereafter become entitled to by

will or otherwise, to him and his heirs forever. I do hereby constitute and appoint my said brother Thomas D. Chamberlayne Executor of this my will. Given under my hand and seal this 14<sup>th</sup> day of May 1818.

S. D. Chamberlayne

[proved 24 Aug 1819]

Land Office Auditors Warrant, No. 6852.

To the Principal Surveyor of the Land set apart for the Officers and Soldiers of the Commonwealth of Virginia.

THIS shall be your WARRANT to survey and lay off in one or more surveys for Evelyn Byrd Pollard, the wife of Robert Pollard who before her intermarriage with said Robert was Evelyn Byrd Chamberlayne, daughter of Byrd Chamberlayne, dec'd, and Chamberlayne Pollard infant son of John Camm Pollard & Mary Ellen his wife dec'd who before her intermarriage with said John Camm, was Mary Ellen Chamberlayne daughter of s'd. Bird or their heirs or assigns: the quantity of Four Thousand Acres of Land: due unto said Evelyn Bird Pollard and and Chamberlayne Pollard in consideration of said Bird Chamberlayne's services during the War as a Lieutenant in the Virginia State Navy agreeably to a Certificate from the Governor and Council, which is received into the Land Office.

Given under my hand, and Seal of the said Office, this 1st day of March in the year one thousand eight hundred thirty one.

4000 Acres

W Selden A L Off'e

General Land Office/ 7<sup>th</sup> Decbr 1831

Sir On transmitting to you the enclosed Copy of a Certificate from 1st Auditor of the State of Virginia I inform you that the Claim on Warrant No. 6852 will not be admitted under any future appropriation that may be made by Congress [two undeciphered words] this description of Warrants, unless you can furnish better testimony that Byrd Chamberlayne served three years in the Navy of Virginia

very respectfully/ Sir/ your obt servt  
Elijah Hayward

The affidavit of Carter Croxton [S9250] of the County of Essex aged seventy two years, made and subscribed this first day of June 1833.

This affiant first duly sworn on the Holy Evangelists of almighty God, saith, that he enlisted in the military service during the revolutionary war in the artillery company commanded by William Spiller of the County of King William in the year 1778, that he served in the regular service and militia together three years and ten months, that he was well acquainted with Byrd Chamberlayne of the County of King William, that he saw the said Byrd Chamberlayne frequently while in the service in the years 1780 and 1781, at Williamsburg, York Town and Hampton, and within that time the said Byrd Chamberlayne was always dressed in military uniform, with epaulet and sword attached – that he the said Croxton left Virginia the latter part of the year 1781 for the south, and did not see said Byrd Chamberlayne again until after the termination of the war. The said Croxton is confident that the said Byrd Chamberlayne was in the military service as a Lieutenant in the years above mentioned (1780 and 1781) when he frequently saw him as before stated.

Carter Croxton Sen'r



[The online image of the following is poor.]

To The Executive of Virginia

The Petition of Evelyn Byrd Pollard and Chamberlayne Pollard, only Heirs of Lieutenant Byrd Chamberlayne deceased Respectfully Represents – That in the month of February 1831 a claim for Land

Bounty passed the Executive in favor of the Petitioners for the services of their said Ancestor as a Lieutenant in the war of the Revolution, and That a certificate of one warrant for the service (No. 6852) was duly forwarded by the Register of Virginia to the General Land Office at Washington. That subsequently a Copy of the said Certificate has been transmitted to your Petitioners by the agent of the Land Office who has notified your Petitioners (see Document A [one or two undeciphered words]) that the “claim on warrant (No 6852) will not be admitted unless they can furnish better testimony that Byrd Chamberlayne served three years in the Navy of Virginia” – Your Petitioners could not but view with surprize this rejection of a claim which has already undergone the most mature consideration by the Executive of Virginia – the only [undeciphered word] which as your Petitioners are advised, was competent to rule upon it; – a Rejection the more remarkable as it seemed to your petitioners to be founded upon no Evidence whatever – and certainly not upon that full and conclusive body of [undeciphered word] which [undeciphered word] the Executive to sustain it. But your Petitioners have since been informed by the Register of Virginia, that he has received a Communication from the Land Office at Washington enclosing a Copy of the document (see Document B) upon which the Agent of that office proceeded. It purports to be a certificate of the Auditor of this State that it appears by the Journal of the Navy Board remaining[?] in his office “That on the 21<sup>st</sup> of August 1778 Lieut. Byrd Chamberlayne appeared before the Navy Board and resigned his commission.” & thence it is inferred, that the Office in Question could not have “Served Three Years” and is not entitled to Land Bounty. In the first place, your Petitioners beg leave to remark, that whatever doubt may be thrown by the artful and designing upon the claims of Lieutenant Chamberlayne (than whom, as appears by the Evidence already submitted, not even the Revolution furnished a soldier, more faithful more ardent, and more suffering) – the heirship at least of your Petitioners, is too notorious to be questioned; and accordingly there is not in existence a claimant who can [two undeciphered words] to dispute the rights of your Petitioners – who then has set on foot this covert opposition? [several undeciphered words] that the claimants of Revolutionary bounty should obtain their rights without [undeciphered word] to his [several undeciphered words]. And your Petitioners have proof by the [several undeciphered words]. They deem it more important to point attention to the character and weight of the evidence upon which the opposition is [undeciphered word] a slight examination of which will suffice [two undeciphered words] insufficiency. The certificate of Lieut. Chamberlayne’s resignation while [two undeciphered words], and torn, as it was, from the context[?] of the Evidence which was before the Executive, appears to conflict with the claim of your Petitioners, but when taken in connexion with that evidence, and supported by it there will appear a perfect harmony and consistency, between them. Thus the certificate of the auditor states the resignation to have occurred in 1778 (by which a presumption is sought to be created that Lieut. Chamberlayne, dating from the Beginning of the war, did not serve three years; but the affidavit of Benj. Figg (a Copy from the file is exhibited C) shews that Lieutenant Chamberlayne “was taken Prisoner by the British and carried to England, where he remained in captivity, a prisoner of war for some time, after which he made his escape from captivity and returned to the United States, and about the year 1778 or 9, he again [one or more lines missing at bottom of page] the Ship Tartar and [two or three undeciphered words]. That Lieut Chamberlayne continued in the Navy as a Lieutenant from that time till the termination of the war, never having heard of his [undeciphered word] the service.” The period of the resignation then, (1778) tallies with the time when Lieut. Chamberlayne returned from Captivity and left the service (1778 or 1779) after which, he again entered the service and continued untill the end of the war. Jones’s affidavit supports the [undeciphered word] (see document C) – also another affidavit from Figg, which is on file – and also the new testimony of Carter Croxton (Document D) (than whom no witness is more worthy of credit as appears by the Evidence of John Roane ([undeciphered word] of King Wm. County accompanying Croxton’s affidavit). All this Evidence goes to shew, that if Chamberlayne resigned in 1779 he certainly resumed his rank afterwards, and served untill the close of the war. And it will be recollected that the statement by Figg (a credible witness) touching his resignation in 1778 and his re-entering the army afterwards was made long before the present objection & in utter ignorance of it. & the consistency of

the statement with the certificate of Resignation (of which he could know nothing) and above all, its minuteness and accordance with those of the other witnesses stamps it with the seal of truth. And your Petitioners regard it as a natural occurrence & likely to occur that a soldier returning from foreign captivity to his home – worn out with hardship, and anxious to repair the embarrassment and confusion which absence would inevitably occasion in his affairs should retire from the toils of service, not finally, but to return, after a short season of repose, to the service of his Country. And it is a fact in history that [undeciphered] resigned in this way, soon after returned, not by a regular commission, (which the disturbance of the times prevented) but by virtue of an authority permitted by the State to the officer first & highest in command. These various considerations, your Petitioners think, should enter into that estimation of probabilities, necessary to elicit the truth of facts and occurrences, which have for the most part, faded from the memory of the Living. They certainly serve to strengthen the positive Evidence which has been adduced.

Upon the whole it is submitted, whether the Point be not established, that Lieut. Chamberlayne served three years in the war of the Revolution – & whether that question shall now be re-investigated, which was once settled. all which is respectfully submitted.

January 15, 1834

Submitted to the council of State and advice required

[Gov.] John Floyd

1834 [undeciphered] By virtue of the authority of Gov. Floyd I have withdrawn the affidavit of Ben Figg bearing date 4<sup>th</sup> Feby 1833./ Jno. Camm Pollard

I certify that I was in service in the Revolutionary war with Byrd Chamberlayne and George Chamberlayne [George Chamberlaine R23]. I served first in the year 1776 under an enlistment in 1778[?] for one year, in the Sloop Defiance, and then enlisted for three years or the war, and was transferred early in 177[?] to the Brig Mosquito, where I found Byrd Chamberlayne serving as first lieutenant & George as 2nd Lt. We sailed on a cruize to the west Indies, captured the Snow John & the ship Noble, carried them to Point Peter on the Island of Grand Terre [Pointe-a-Pitre on Grande-Terre] and sold her. [undeciphered word] we had the small pox. [several undeciphered words] and were captured by the British ship Ariadne & carried to Barbados. Here the privates of the Mosquito were imprisoned upwards of seven months, & then sent to England & imprisoned there in Fortune [sic: Forton] Jail & prison ships. Our officers were sent [several undeciphered words] to England & put in Fortune Jail, [several undeciphered words] & I went home by way of France. Capt Alexander Dick [R13751] escaped before me, & Lt Geo Catlett [George Catlett W2524] after me. I left Byrd Chamberlayne and all the others in Jail when I escaped, where many of them, if not all, remained as I understood and [undeciphered word] to the end of the war. John Harris [R41] was Captain of the Mosquito, and was believed to be a Tory. [see endnote] Captain Dick was captain of marines when he entered the Mosquito with his company. Geo Catlett was his lieutenant. Charles Dekay [R34] was sailing master & Alexander Moore was ships carpenter on the Mosquito William hisXmark Mitchell [William Mitchell S38221] [24 Nov 1838]

Virginia, King William County Sc

At a Court of monthly session held for the County aforesaid at the Courthouse on Monday the twenty first[?] of February in the year 1839. It being proven to the satisfaction of the Court by the oath of Richard Williams, it is ordered to be certified that Byrd Chamberlayne formerly of this County who was reputed to have been First Lieutenant in the Virginia Naval service in the War of the Revolution, died in the year 1800 intestate, having been lost in a Gale on the [blank] day of December 1800 whilst on his way up the Chesapeake Bay to Baltimore (and not since heard of) that the said Byrd Chamberlayne left a

widow who has since died, and five children viz William Dandridge Chamberlayne, Thomas Delaware Chamberlayne, Evelyn Byrd Chamberlayne, Mary Eleanor Chamberlayne, and Spotswood D. Chamberlayne, all of whom have since died except Evelyn B Chamberlayne; that the said Wm. D. Chamberlayne died testate, leaving two infant children named Elizabeth and Agnes, both of whom died while infants of tender years. That the said Thomas D Chamberlayne died intestate, leaving one infant, named Sally, who also died whilst an infant of tender years; That Spotswood D Chamberlayne died testate, but under the age of twenty one years, That the said Mary E Chamberlayne died intestate having first intermarried with one Jno. Camm Pollard and that she left one child a Son named Chamberlayne Pollard who is alive and of lawful age. That the said Evelyn Byrd Chamberlayne hath intermarried with Robert Pollard the Clerk of this Court and is now living And that the said Evelyn Byrd Pollard who was, before her marriage as aforesaid, Evelyn Byrd Chamberlayne, and the said Chamberlayne Pollard only son of the said Evelyn Byrd Chamberlayne, and the said Chamberlayne Pollard only son of the said Mary Eleanor Pollard who, before her marriage as aforesaid, was Mary Eleanor Chamberlayne, are the only surviving and legal heirs of the said Byrd Chamberlayne dec'd.

A Copy                      Teste, Ro. Byrd Pollard D.C.

To his excellency David Campbell Esquire, Governor of the Commonwealth of Virginia.

Your Memorialist Robert Pollard and Evelyn Byrd his wife, who was Evelyn Byrd Chamberlayne, [undeciphered word] of Chamberlayne Pollard only son and heir of John Camm Pollard and Mary Eleanor his wife, who was Mary E. Chamberlayne now deceased. the said Chamberlayne Pollard by Robert Pollard his Attorney in fact, respectfully represent to your excellency that she the said Evelyn Byrd Pollard and the said Chamberlayne Pollard are the only surviving & legal heirs of the aforesaid Byrd Chamberlayne deceased as appears by a certificate of the Court of King William County, a copy of which accompanies this memorial; that the said Byrd Chamberlayne dec'd served in the State Navy in the capacity of first Lieutenant for upwards of three years during the Revolutionary War, as appears [undeciphered word] by evidence herewith produced; that the said Byrd Chamberlayne died about the 12<sup>th</sup> day of December 1800; that your Memorialists are informed that according to the laws of the state they are entitled to land bounty, and to half pay for the services of the said Byrd Chamberlayne as a Lieutenant in the Navy as herein before mentioned. They therefore most respectfully solicit that your excellency will take the subject into consideration and if it shall seem proper, that you will grant to your Memorialists such certificate or other voucher directed to the Register of the Land Office for a Warrant or warrants to be issued in their favour for so much Land as they may be entitled to.

Your Memorialists beg leave to refer to the evidence filed some years ago, on which this claim was allowed by the then Governor, Floyd and Council and a Warrant was issued but was afterwards suspended for further testimony, upon the grounds that an entry was found upon the Journal of the Navy stating that Lieutenant Byrd Chamberlayne resigned. This entry your Memorialists are induced to believe was a mistake, or that if Lieutenant Chamberlayne did resign he must have reentered the Naval service immediately thereafter – in support of this conclusion our Memorialists beg leave to refer you to the fact, that many of the Naval Officers are noted on the Journal as having resigned, who nevertheless received their land bounty, for instance Lieutenant Stafford Lightburn [VAS918] for one. To sustain and strengthen the evidence of Mitchell & Stanly herewith exhibited, your memorialists refer to the evidence on file in the office of the Secretary of State at Richmond in support of the claim of Lieutenant George Catlett of the Brig Mosquito; as also to that of Benjamin Figg and Carter Croxton and others heretofore filed in support of this claim, which corresponds in the most material point with that of said Mitchell and Stanly. Carter Croxton it will be perceived states that he saw Lieutenant Byrd Chamberlayne in Williamsburg just after the termination of the War, dressed in his Naval Uniform, which must have been soon after his release from captivity in England, and restored[?] to this Country. Your Memorialists beg leave further to state, that when the claim for land bounty for the services of the said Lieutenant Byrd Chamberlayne was laid before the then Governor and Council the entry upon the Navy Journal of

resignation was also laid before them, which however had no influence in defeating the claim, and that a land Warrant was granted and issued and within a few days after it was presented to the Secretary of [blank] at Washington City, there was also, before the Scrip could be issued, a certified copy of the entry of the resignation herein before mentioned produced to the said Secretary, by some malicious intermeddler, which induced him to suspend the issuing of the said Scrip until further testimony was adduced – this was certainly an ex parte proceeding and manifestly unjust, as there was no other evidence adduced to counteract the said entry, as had been before the Governor and Council, and your Memorialists very much doubt the authority of the Secretary at Washington to suspend or reject this or any other similar claim after having been gravely adjudged and allowed by the proper tribunal here. Your memorialists in conclusion respectfully ask your excellency to grant to them what they are confident they are justly entitled to, and as in duty bound they will ever pray &c.

King Wm County  
March 1839

R. Pollard and/ Evelyn Byrd his wife,  
Chamberlayne Pollard by/ Ro. Pollard his attorney in fact

I the undersigned one of the surviving heirs of Byrd Chamberlayne deceased who was a naval Officer in the Revolution do hereby request the Register of the Land Office of Virginia to issue and deliver to Robert Pollard, my attorney in fact, my military Warrant to which I may be entitled on account of the services of the said Byrd Chamberlayne deceased.

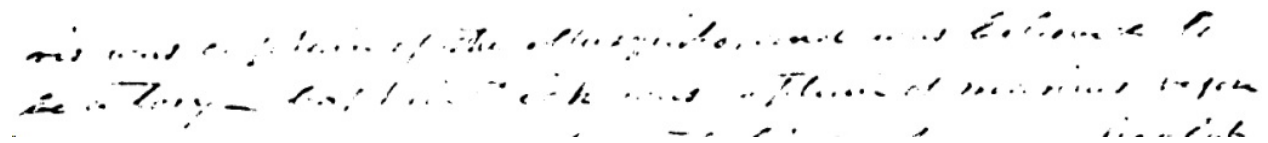
Given under my hand and seal this 16<sup>th</sup> day of March 1839./ Chamberlayne Pollard

This case has been reexamined and the evidence not thought sufficient to justify the allowance of the claim. It is again rejected DC [Gov. David Campbell]  
Ap'l 26 1839

#### NOTES:

Byrd Chamberlayne was Lieutenant of the galley *Henry*, then 1<sup>st</sup> Lieutenant of the brig *Mosquito*. After being captured in 1777 he escaped from Forton Prison in Britain and took command of the brig *Jefferson*. See Chapter 4 The Career of the *Mosquito* in Stewart, R. A. *The History of Virginia's Navy of the Revolution*. 1934. See also the pension application of George Catlett W2524.

I could not find any other evidence that Capt. John Harris was believed to be a Tory. It is possible that I have misread the online image of the passage, which appears below.



... was a captain of the ... was believed to  
be a Tory - but his ... was a ... of ...