

Southern Campaign American Revolution Pension Statements & Rosters

Pension application of Isaac Holmes R15233

f338VA

Transcribed by Will Graves

4/15/14

[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 'indcipherable' 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.]

[p 10]

To the Honorable Judges of the District Court sitting in the City of Richmond – The Petition of Isaac Holmes sheweth that he entered into the service of this State in the year 1776 with the rank of Lieutenant in the second State Regiment, at that time under the command of Colonel William Brent, and continued there in until he was captured by the British troops, in the month of May 1781. That on the 25th day of May 1781, then being a Lieutenant & paymaster & a prisoner as aforesaid he was aborated [sic] on parole, as will appear from the instrument which is hereto annexed and to which he begs leave to refer. That whilst he was thus at large, but continuing a prisoner, by some arrangement, which took place respecting the Regiment to which he belonged, he became supernumerary, but was never liberated from his parole until the general discharge of all prisoners, which took place of course, at the conclusion of the war; your petitioner therefore was in fact a prisoner & of course in the service of his country until that period. Under these circumstances, your petitioner conceiving himself entitled to half pay according to the Terms of the Act of General Assembly of May 1779, applied to the Auditor of Public Accounts for a warrant for his pay as aforesaid, or a commutation of five years full pay in lieu thereof, which hath been refused him; from which decision, he hath appealed to the judgment of this Honorable Court.

Notice admitted 10th September 1791

S/ J Pendleton Auditor

No. 2

I Isaac Holmes Lieutenant of the Second Virginia State Regiment in the American Army do acknowledge myself to be a prisoner on parole to his Majesty the King of Great Britain, and I do hereby engage to remain as such in the County of Dinwiddie until properly exchanged or recalled, and and I do solemnly promise not to be aiding or assisting in any respect to the Enemies of Great Britain whilst I continued under this obligation.

Given under my hand at Brandom on board *Selina* this 25th day of May 1781

S/ Js. Holmes

G. Robertson

[Note: The documents above were certified by John Robertson, clerk of the Circuit Superior Court for Henrico County Virginia as being true copies of documents in his office as of March 20, 1850.]

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"At a Court held for Nottoway County on Thursday the 4th April 1793 Isaac Holmes the Clerk of this court being dead, the Court proceeded to the appointment of Clerk in his room, and made choice of Peter Randolph Gentlemen: Whereupon the said Peter Randolph took the oath for giving assurance of fidelity to this Commonwealth, and also the oath of Office, and with Francis Muir and Samuel Pincham his securities entered into and acknowledged a bond for the faithful execution of the said Office according to law."

[Note: The above document is certified by Richard Epes, clerk of the Nottoway County court that it is a true record of documents in his office, his acknowledgment dated May 17, 1853.]

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Captain Nottoway County court the 7th day of May 1789

Isaac Holmes is appointed clerk of this court who together with William Yates and Vivian Brooking his securities entered into & acknowledged a bond and then took the oath as appointed by law to be taken by the County Court Clerks.

A copy from the record

Teste

Francis Fitzgerald, Clerk

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I do certify that Francis Holmes was a Lieutenant and paymaster in the 2nd Virginia State Regiment and became supernumerary by the arrangement made in the year 1781 – And from information I believe that he was taken prisoner by the enemy in the spring of the year 1781.

S/ Charles Dabney

May 18, 1791

Extract from the record of the Commonwealth against homes decided by the Court of Appeals on the 29th of October 1792.

Teste S/ J Allen, CC

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I do certify on honor that I have served 3 years successively in the State line. Given under my hand this 9th September 1783

S/ Is. Holmes, Lt.

Executive Department 6 April 1853

I hereby certify the above to be a true copy of a paper on file in this Department.

S/ George W Munford, Secretary of the Commonwealth

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This is to certify, that it appears from a list in this office of such Officers and Soldiers of the Virginia State Line as settled their accounts and received certificates for the balance of their full pay, according to an act of assembly, passed the November session 1781, directing the Auditors of Public Accounts to settle and adjust the pay and accounts of said Officers and Soldiers from the first January 1777 to 31st December 1781, (see Hening's Statutes at Large, vol. 10, p. 462,) that a settlement was made on the 14th day of May 1783 in the name of Isaac Holmes as Lieut. P. M. & Cloth^r [Lieutenant, Pay Master & Clothier] and evidence of the indebtedness of the State to him was £454.14.1, delivered to himself but as the original settlements or copies thereof are not to be found in this office, the term of service embraced therein cannot be stated.

Given under my hand at the First Auditor's Office, Richmond, this
30th day of November 1849.

S/James E Heath,
First Auditor

[No Seal of Office]

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This is to certify that it appears from a voucher on file in this office that on the 10 July 1794
Certificates for £480 and warrants for £307.16 were issued and received by Vivian Brooking
Administrator of Isaac Holmes for said Holmes commutation for half pay during life.

Auditors Office

26 February 1850

James East Heath, Auditor

[p 49: Power of attorney dated April 18, 1850 executed in Petersburg Virginia by Isaac Holmes
Smith, Administrator de bonis non, of Lt. Isaac Holmes appointing William T Barrett of
Richmond as his attorney to pursue claims for commutation and half pay due Isaac Holmes for
his service in the revolution.



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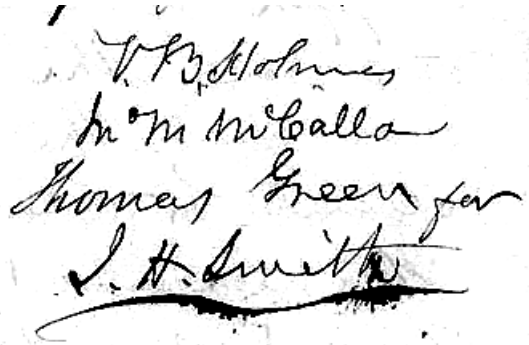
This memo: of an agreement made this 25th May 1853 between V. B. Holmes and J. M.
McCalla of the one part, and Isaac Holmes Smith, by his attorney, Thomas Green of the other
part
Witnesses.

Whereas said McCalla at the instance of John B Holmes & V. B. Holmes by their agent,
was qualified as administrator de bonis non of Isaac Holmes who was a Pay Master Lieutenant
and Clothier of the Virginia State line in the revolution & is believed to be entitled to Half-pay or
Commutation for his staff services aforesaid, and whereas the said Smith, a grandson of said
Isaac Holmes, at the instance of other distributees of said Isaac Holmes, has qualified as
administrator de bonis non of said Isaac Holmes in Nottoway County Virginia the place of his
domicile and each administrator has applied to the Commissioner of Pensions for the money due
for the staff services aforesaid and it is uncertain to whom the money will be directed to be paid,
now it is agreed between the parties in compromise, that no matter to whom the Department may
direct the money to be paid, the distribution of it shall be as follows: viz.: 3/5 of it shall be paid
to said Smith and to fifths to said McCalla who is to account to V. B. Holmes and John B Holmes
and for the 3/5, the said Smith is to account with the other distributees – The division between
said Smith & McCalla is to be made thus – If the Department shall direct the payment to be
made to said Smith he shall receive from the Treasurer, the amount in two checks or drafts, to his
order, one of which for 2/5 he shall endorse and deliver for collection to said J. M. McCalla, &
the other he shall retain – and if the money shall be directed to be paid to said McCalla then he
shall receive to like drafts or checks and shall endorse the one for 3/5 to said Isaac H Smith.
It is further agreed, that whereas the said Smith, avers, that there are the representatives of five
branches of Distributees of Isaac Holmes, viz.: John B Holmes, V. B. Holmes, Frances T.
Holmes, Margaret B Holmes and Lucy Holmes, and whereas the said V. B. Holmes contends,

that Francis T left no representative who could or can in law assert a claim to her portion, & that consequently the estate should be divided into four parts only, now if it shall be ascertained by the decision of a competent tribunal or otherwise, that her interest does of right belong to the distributees of her two brothers and two sisters aforesaid – then the said Smith shall account accordingly for the third which he receives – being the one fifth of the original some – deducting of course the expenses of administration including the commissions paid to his Agent or Attorney

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This agreement, is to extend to the whole amount due for said Holmes' services in the revolution, whether now or hereafter paid provided no additional bonds are required from said McCalla & Smith and the payments are always to be received from the Treasury as above specified and the money handed over to the distributees or to their order by said Smith and McCalla, upon the receipt thereof or as soon thereafter as they can get receipts for the same – without waiting the usual term of twelve months to inquire for creditors as none are believed to exist – And the said V. B. Holmes agrees that he will be responsible in the full & faithful compliance by his brother John B Holmes for the performance of this agreement so far as his interests are concerned. This paper is to be filed with the present application to the Commissioner of Pension so as to show the true intention of the parties.

As witness our hands this day & year aforesaid



V. B. Holmes
M. McCalla
Thomas Greener for
J. H. Smith

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State of Virginia City of Richmond, to wit

At a Court of Hustings held for the said City at the Court house, the 22nd day of January 1850,

It was this day proved in open Court to the satisfaction of the court, by the oath of Thomas B. Brooking, aged seventy-nine years, whom the Court certified to be a witness of credibility, that Isaac Holmes, an officer of the Virginia line in the war of the Revolution, intermarried with Elizabeth T Brooking, the sister of the said Thomas B. Brooking, shortly before the said war, and that the said Thomas B. Brooking's father, Vivian Brooking, administered on the estate of the said deceased Isaac Holmes, that the said Isaac Holmes has now living, or had when last heard from two sons as his sole and only heirs, to wit, John B Holmes, near Memphis, Tennessee and Vivian B Holmes of McDonough County in the State of Illinois, all of which is ordered to be certified.

The above is a true copy from the Records of the said Court of Hustings.

In testimony whereof I have hereunto set my hand and affixed the seal of this Court, the 2nd day of February 1850.

S/ Charles Howard, Clerk

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Pension office June 7th 1850

Sir,

I have the honor here with to transmit the papers numbered from 1 to 20 inclusive relating to the case of Isaac Holmes, deceased, on which Mr. W. T. Barrett appeals, and a brief of this evidence.

It appears that Isaac Holmes in his lifetime filed a Petition in Chancery against the State of Virginia, asking the Commutation of 5 years pay in lieu of Half Pay for life due him as Lieutenant and Pay Master in the State line, and that on his death the suit was renewed by his Administrator in 1793 and judgment was pronounced in his favor.

By reference to the list of payments made under the judgments of the Courts of Virginia to officers, as furnished by the Auditor of Public Accounts, and published in House Report No. 191, of the 1st Session of the 22nd Congress, it appears that he received the full pay of Lieutenant and Pay Master, the commutation being £480 and the interest £307.16.

The ground thus upon which my rejection of the claim was based is not any question as to the fact, that Holmes was both Pay Master and Lieutenant, but the fact that his estate has long since received from Virginia the gratuity it now seeks from this government. There is no evidence of the day of Holmes' death, but his Administrator's Petition was filed in 1793, and his commutation was therefore equal to Half pay for life.

As the record shows that he received pay for his Staff of Office, I have not thought it necessary to inquire how far the decision of the this Virginia Courts concludes the question relating to his grade.

It is proper to observe that two agents J. M. McCalla and of William T Barrett are asserting the claim and each contending for the right to receive any sum that may be adjudged upon it. The papers filed by the former, are marked in the small letters from 2 to 6 inclusive.

I have the honor to be

Very Respectfully

Your Obedient Servant

J L Edwards

Honorable Thomas Ewing, Secretary of the Interior

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Brunswick County State of Virginia: Affidavit of Harriet B Smith of Brunswick Virginia

I do hereby certify that Harriet B Smith, this day personally appeared before me E. H. H. Blick, a justice of the peace for the County of Brunswick in the State of Virginia and made oath to the following facts to wit: That she was well acquainted by reputation with Captain Isaac Holmes of the County of Nottoway Virginia; who was Clerk of said County at the time of his death; that he left the following children, Frances Thacker, Margaret Brodnax, John Ballard, Vivian Brooking and Lucy, five in number; Frances Thacker married Robert Nicholson of Petersburg Virginia & died without any heir of her body & said Nicholson died also, leaving no child. Margaret Brodnax married Samuel Brodnax of Sussex County Virginia both of whom died, leaving three children, Gervis, Frances Holmes & Emily Harriet. Gervis is dead & she has reason to believe left no heir; Frances Holmes married Alexander Robertson and died leaving three children, her husband still surviving. Emily Harriet married James M Lundie & after his death, a Mr. Lewis of Louisiana & after his death, she married another Mr. Lewis of Louisiana; she is still living. John Ballard Holmes removed to the Western part of Tennessee, many years

ago & is now living, she believes: Vivian Brooking Holmes moved to some of the Southern or Western states many years since – Lucy Holmes married Edward C. Smith of the County of Brunswick, Virginia and died, leaving six children, to wit: Richard E. C. Smith, Philip Henry Smith, Robert Holmes Smith, Mary Brodnax Smith, Frederick Smith & Isaac H Smith, Richard E. C. is now living in Clarke County Alabama; Philip Henry died, leaving no heir of his body & unmarried, but left a will by which Robert H Smith is his heir, Robert H. is now living in Bertie County North Carolina. Mary Brodnax married Alexander Robertson of Amelia County Virginia and is still living. Frederick died some years past in Petersburg Virginia never having been married, Isaac H. is still living in Petersburg Virginia.

She, the said Harriet was well acquainted with all the children of said Captain Isaac Holmes of Nottoway, personally and always heard that the said Captain Isaac Holmes was in the Revolutionary War.

To all the above the said H. B. Smith hath solemnly sworn before me.
Given under my hand and seal this 3rd day of September 1850
S/ Elijah H. H. Blick, JP

[Note: Obviously, this file contains a very large volume of paperwork. Doubtless I have omitted to transcribe documents which might have shown additional evidence of this service of the veteran. A very large number of the documents are extended arguments by the attorneys representing the competing claimants for whatever sums might have been due from the federal government to the estate of the veteran. Those interested in this veteran would be well served to examine the original documentation to satisfy themselves as to such other important documents as may be contained in the file but not transcribed by me.]