

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

Pension Application of Isaac Bowman R19362

VA

Transcribed and annotated by C. Leon Harris. Revised 14 Oct 2017.

[The following printed document appears to contain all the information in several other documents in the file that are not transcribed here. Originals of some of the documents referred to are transcribed below from rejected claims in the Library of Virginia.]

ISAAC S. BOWMAN [son of Isaac Bowman] & GEORGE BRINKER, Surviving Executors  
of ISAAC BOWMAN, deceased,

v.

THE UNITED STATES.

Judge BLACKFORD delivered the opinion of the court.

This claim was presented to the Treasury Department in 1834, and was rejected by the Secretary, Mr. Woodbury, on the ground that the evidence was not deemed sufficient in the absence of all record proof of the testator's services. In March, 1853, the case was submitted to Mr. Heath, the Commissioner of Pensions, and the claim was rejected. In September, 1853, the case was submitted to Mr. Waldo, the Commissioner of Pensions, and the claim was again rejected. In October, 1853, the decision of Commissioner Waldo was affirmed by the Secretary of the Interior, Mr. McClelland. A petition was afterwards presented to Congress in favor of the claim. On the 13th of February, 1854, the Senate Committee on Pensions made a favorable report, submitting the following resolution: "Resolved, that the claim of Isaac Bowman, legal representative of Isaac Bowman, deceased, for half-pay due his father under the act of the general assembly of Virginia of May, 1779, be referred to the Secretary of the Interior for liquidation, under the act of Congress of July 6, 1832, and that the Committee on Pensions be discharged from the further consideration of the case." That resolution was adopted by the Senate. On the 16th of February, 1854, the House Committee on Revolutionary Claims reported favorably, submitting the following resolution: "Resolved, that the petition, in the case of Isaac Bowman be referred to the Secretary of the Interior for liquidation, under the act of July 5, 1832, and that the committee be discharged from its further consideration." And, in the next month, the House committee reported as before, and the resolution last above named was passed by the House. In consequence of those resolutions, the claim was again presented to the Secretary of the Interior, Mr. McClelland. The claimant contended that the resolutions required the Secretary to allow the claim, and relied on the opinion of a former Attorney General, in 1849, in the case of Churchill Gibbs [pension application S46002]. (5 Att. Gen., 82.) The Secretary referred the question, in 1854, to the Attorney General then in office, who gave his opinion that the resolutions had not the effect of a law, but that it would be proper for the Secretary to re-examine the merits of the claim, (6 Att. Gen. 680;) in which opinion the Secretary concurred. The Secretary accordingly re-examined the merits, evidently with great care, and, in September, 1854, gave a lengthened written opinion adverse to the claim.

The case is now submitted to the consideration of this court.

With respect to the effect of the separate resolutions of the two Houses of Congress, referring this claim to the Secretary of the Interior, in 1854, the opinions of the then Attorney General and Secretary are, in our opinion, correct. Those resolutions did not direct the Secretary to allow the claim, and if they had, they would not have been obligatory upon him. They justified him in re-examining the case, and that was all.

The petition states that Isaac Bowman, the testator, was a lieutenant and quartermaster, also called horsemaster, in the Illinois regiment commanded by Colonel George Rogers Clark, in the war of the revolution; that whilst he, the testator, was in service in the line of his duty, and commanding a detachment of said regiment, the troops were attacked by the Indian allies of Great Britain, in which attack the testator was severely wounded and taken prisoner; that he was detained as a prisoner from November, 1779, till

April, 1780, when he was sold by his captors to an Indian trader, by whom he was taken to New Orleans, and from there to Cuba, from whence, passing through Philadelphia, he returned to his home in Virginia; that he never resigned as lieutenant or quartermaster, otherwise called horsemaster; that he was never again ordered into service after his return from captivity; that he was never dismissed from the service; and that he died on the 9th of September, 1826. The petition therefore claims that the testator was entitled, under the laws of Virginia, to the half-pay of a lieutenant and quartermaster from the close of the revolutionary war until the time of his death; that the claimants, as his executors, are now entitled to receive the same from the United States, and that payment has been demanded at the proper department and refused.

This claim is founded on an act of the Virginia legislature of May, 1779, and an act of Congress of the 5th of July, 1832. The Virginia act is as follows : "All general officers of the army being citizens of this commonwealth, and all field officers, captains, and subalterns, commanding or who shall command in the battalions of this commonwealth on continental establishment, or serving in the battalions raised for the immediate defence of this State, or for the defence of the United States, \* \* \* \* \* provided Congress do not make some tantamount provision for them, who shall serve henceforward, or from the time of their being commissioned, until the end of the war; and all such officers who have or shall become supernumerary on the reduction of any of the said battalions, and shall again enter into the said service if required so to do, in the same or any higher rank, and continue therein until the end of the war, shall be entitled to half-pay during life, to commence from the determination of their command or service." (10 Hen. Stat. 25.)

The act of Congress above referred to, so far as it need be stated, is as follows:

The first section provides for the payment by the United States to the State of Virginia, the amount which said State had paid to the officers commanding in the Virginia line in the war of the revolution, on account of half-pay for life promised said officers by that State.

The second section provides for the payment by the United States to the State of Virginia, the amount of the judgments which had been rendered against her on account of the promise contained in her said act of 1779, in favor of the officers or representatives of officers of the regiments and corps (among others) " of Colonels Clark and Crockett, and Captain Rogers's troop of cavalry, who were employed in the Illinois service."

The third section (the one immediately applicable to this case) provides, that the Secretary of the Treasury (now the Secretary of the Interior) adjust and settle those claims for half-pay of the officers of said regiments and corps, which had not been paid or prosecuted to judgments against the State of Virginia, and for which said State would be bound on the principles of the half-pay cases decided in the supreme court of appeals of said State. (4 Stat. at Large, 563.)

The claimants, therefore, to sustain the present suit against the United States for the half-pay in question, must show that the testator might, in his lifetime, have recovered said half-pay from Virginia on the principles of the half-pay cases which had been there decided previously to said act of Congress. The principles of those half-pay cases in Virginia, referred to in said act of Congress, and upon which the case now before us depends, were fully discussed and settled in 1830, in the Virginia court of appeals, in Markham's case, 1 Leigh's Rep., 516 to 524, and Lilly's case, same volume, 525 to 565. Those principles are, that the officer for whose life the half-pay is claimed must have served in the revolutionary war and in the Virginia State line from the time said act of 1779 was passed, or from the time of his being commissioned, until the end of the war, or until he became a supernumerary.

The material evidence in the case is as follows :

A. A certificate by John Douthitt, clerk of the board of commissioners of the Illinois grant, dated the 29th of August, 1834. This certificate states that it appears from the books and papers in the office that Isaac Bowman served in said Illinois regiment as a lieutenant, and that he was allowed 2,156 acres of land in said Illinois grant, to wit, lots Nos. 1, 158, 213, 289—five hundred acres each, and 156 acres in No. 32.

B. An ex parte affidavit of Samuel Kerchival, dated the 8th of August, 1834. The affiant states that he became acquainted with Captain Isaac Bowman, of Shenandoah county, Virginia, about the year 1784, and continued afterwards intimately acquainted with him until his death, on the 9th of September,

1826; that said Bowman was known through life as an officer of the Illinois regiment of the army of the revolution; that he repeatedly stated to the affiant that, late in the fall of 1779, while coming from Kaskaskias (as affiant understood on furlough) to the Falls of Ohio, they (the party) were attacked by the Indians, when all but himself were killed, or never afterwards heard of; that he was wounded in five places, the scars of which the affiant had often seen, and was taken prisoner; that he was afterwards purchased by an Indian trader and taken to Natchez, from whence he went to New Orleans, and the Havana, on the island of Cuba, and then obtained a passage to Philadelphia, and returned to his home; that he was long a cripple, so unable to have joined his regiment or performed military duty, probably for a year or two, and that he said he lost his commission and papers when taken prisoner.

C. An ex parte affidavit of David Stickley, dated the 8th of August, 1834. The affiant says that he was intimately acquainted for about forty years with Captain Isaac Bowman, of said county, (Shenandoah, Virginia,) deceased; that said deceased, during that time, was known and reputed to have been an officer in the Illinois regiment of the war of the revolution, and to have been wounded and taken prisoner by the Indians, and kept in captivity for some time; that affiant had often heard the history of the same from Captain Bowman himself, who said that, in ascending the Ohio river, he was attacked by the Indians, and (the party with him) nearly all killed; that he himself was wounded in several places, and taken prisoner, and retained some time in captivity, when he was purchased by an Indian trader and taken to Natchez, from whence he went to New Orleans and the island of Cuba; that having obtained a passage for Philadelphia, he returned to his residence adjoining the affiant's, where the affiant believes said Bowman was born, and where he died about the 9th of September, 1824. From common report, and Captain Bowman's known character for truth, and his frequent recurrence to said transactions, the affiant says he is as fully convinced of the reality of Bowman's service and captivity as he could possibly be of anything which he did not see.

D. An ex parte affidavit of Colonel Abraham Bowman [pension application W396], a revolutionary officer, dated the 23d of June, 1832. The affiant says that his brother, Isaac Bowman, a lieutenant in the Illinois regiment of the Virginia State line of the army of the revolution, was taken prisoner, as he has been informed by his said brother, and believes, on the Ohio river, about forty miles above the mouth, in November, 1779, being then, at the time of his capture, a lieutenant of said regiment, and having been in service from the spring of 1777; that he was with the Indians as a prisoner until April, 1780, and was then purchased by a man named Turnbull, and went to New Orleans, thence to Cuba, and thence to Philadelphia, which the affiant thinks was in the fall of 1781.

E. An ex parte affidavit of Colonel Anthony Crockett [S10492], of the army of the revolution, dated September 4, 1832. The affiant says that Isaac Bowman was a lieutenant of the Illinois regiment, in the fall of 1779, at Vincennes; that the affiant, at that time, was returning into Virginia, and knows not how long Bowman continued in service.

F. A statement of George M. Bibb, saying that he was well acquainted with Anthony Crockett, who, by reputation and the public records, was an officer in Colonel George R. Clark's regiment, called the Illinois regiment; that he was a man of integrity, and entitled to full credit; that he, Bibb, also knew Colonel Bowman, who was a man of high character, and to whose statements full credit is due. And a statement of James Guthrie, saying that he knew said Crockett, and knows all that the Hon. George M. Bibb has said of him; and that he knew Colonel Bowman by character, which was unquestionably good.

G. An ex parte affidavit of Archibald Lovelace, dated 12 April, 1852. The affiant says, that he was acquainted with Daniel Orear [Daniel O'Rear (O'Rear) S7376], of Fauquier county, Va., who was a soldier in the Illinois regiment in the war of the revolution; that he heard Orear say, when speaking of his revolutionary services, that he was a part of his time under lieutenant Isaac Bowman of the Illinois regiment, who was a valuable officer, and who, whilst serving as first lieutenant in said regiment, was taken prisoner on or near the Ohio river, and kept as such a considerable time; that Orear further said that lieutenant Bowman lived and died in Shenandoah county, Virginia, leaving an honorable and intelligent family. The affiant says that Orear made said statement, in substance, more than once, and that he was a man of strict integrity, and is now dead as the affiant is informed.

H. This paper contains a copy from the Auditor's office of Virginia of an account against that State, presented by Isaac Bowman in June, 1783, as follows:

" 1779, May 12. The State of Virginia, Dr. to Isaac Bowman.

"To my services as horsemaster in the Illinois regiment until I was defeated by the Indians, which was 17<sup>th</sup> day of November, and then until October the 11<sup>th</sup>, 1780, before I got home, which is sixteen, months and twenty-nine days."

There is also, from said office, the following copy of a certificate as to the above account:

"24 June, 1783, I certify that Mr. Isaac Bowman was appointed horsemaster in the year 1779, in the Illinois department, but how long he continued I know not. "G. R. CLARK."

The following, from said office, is a copy of the decision on said account, made by the Virginia commissioners for settling western claims:

"The commissioners are of opinion that Mr. Isaac Bowman ought to be allowed for his services as horsemaster, from the 12 May, 1779, until the 17 Nov., 200 days, at 6/4 per day, amounting to £63.6.8; equal to a quartermaster's pay. They are further of opinion, that he was out of the service of this State at the time he was captured, and, consequently, has no legal claim for the time he remained in captivity, but beg leave to refer it to the consideration of the Hon. the Executive."

The said paper H also contains, from said office, copies of two receipts given to Isaac Bowman at Fort Clark, in June, 1779, one by one Montrey for \$18 for taking up and securing three horses belonging to the State of Virginia; the other by one Piangraf for \$12, for four men taking care of the State horses six days.

I. Copies of other papers from said office, to wit: A letter to the Governor of Virginia from John Todd, who was lieutenant of Illinois county, dated Richmond, 2 June, 1780. The following is an extract from that letter : " Mr. Isaac Bowman, with seven or eight men and one family, set off from Kaskaskias the 15<sup>th</sup> November last, in a bateau, attended by another bateau with twelve men and three or four families in it, bound to the Falls of Ohio. I judged it safer to send to the Falls many articles belonging to the commonwealth by Bowman than to bring them myself by land. Bowman's bateau fell into the Lands of the Chickasaw Indians, and the other arrived in March or April at the French Lick on Cumberland, with the account that Bowman and all the men except one Riddle were killed and taken. I enclose your excellency a list of such articles as belonged to the State, as well as I can make them out from my detached memorandums; my books and many necessary papers being also lost."

An order for raising troops, headed "By George Rogers Clark, esq., Col. of the Illinois battalion, commander-in-chief of the Virginia forces in the western department, &c., &c., &c.," dated Headquarters, Falls of Ohio, 30<sup>th</sup> Sept., 1779.

"A provision return of the troops at Fort Clark under the command of Col. George Rogers Clark, commencing the 10<sup>th</sup> and ending the 12<sup>th</sup> May, both days included, 1779," signed " James Robertson, Qr. Mr. G. R. Clark."

"An account of public horses purchased and delivered in the western and Illinois department under the direction of William Shannon, Q. M. Gen., &c." Among other entries in this account is the following: " 1779, June 14. Delivered Capt. Bowman, H. M., as per receipt, 38 horses."

" FORT PATRICK HENRY, / " July 10, 1779.

" SIR : Please to deliver to Isaac Bowman all the goods remaining of the plunder taken at this post, with an inventory of the same, and your compliance will oblige your humble servant, Jos. Bowman.

"To the Quarter Master."

"Inventory of sundry stores delivered to Isaac Bowman, by order of the Major at Fort Patrick Henry, July 10, 1779." Here follows various items, such as blankets, &c.

K. Extracts from a small book in said office, on the first page of which book is written "Plunder Store Acct. Mr. Isaac Bowman, Q. M. Accts." Copies of accounts in said book against several persons are given, one of which is as follows:

"Dr. Isaac. Cr. Bowman.

"May 21. To 8 yds. of," &c. The aforesaid auditor states that the upper corners of the greater part

of said book is illegible; but when legible, it is invariably headed 1779. He also states " that so far as it had been practicable to search the mass of papers connected with the Illinois expedition, no evidence of a resignation by Isaac Bowman had been discovered."

L. A certificate, as follows :

"This is to certify that there is on file in this office, in the second volume of Illinois papers, an account headed thus: 'An account of quartermaster's stores, &c., issued in the Illinois and its dependencies commencing the 1st day of June, 1779, by John Reid, quartermaster of the Illinois regiment, viz:' which is very lengthy; the first entry therein dated 1 June, 1779, and the last on the 11 October, 1779, and is dated Falls of Ohio, Oct. 31, 1779, and signed, John Reid, Qr. Mr. Ills. Regiment, and verified by G. R. Clark, 4 November, 1779. Given under my hand in the office of the auditor of public accounts, Richmond, Virginia, this 15th March, 1853. Ro. Johnston, And. of Pub. Accts."

M. A letter from the Secretary of State of Virginia, dated Richmond, May 19, 1853. He states that he could not find any record that commissions did issue or not to the officers on the Illinois frontier, designating the names of those officers; but that instructions were given to Colonel Clark to take the command of five other companies raised under the act of assembly, which, if completed, would have orders to join him, and to the lieutenant colonel, with blank commissions for the officers of five companies to be filled up, &c., and that those instructions, as well as those to John Todd, who was appointed county lieutenant or commandant of the county of Illinois, are stated on the journal of the 12th of December, 1778, to have been issued by the governor.

N. Copy of the proceedings of the commissioners for adjusting the claims of the officers and soldiers of the Illinois regiment to the lands given them under a resolution of the general assembly of Virginia, of Jan. 2, 1781, agreeably to an act of assembly of that State, passed October session, 1783.

The board met at Louisville on the 2d of August, 1784, Colonel Clark being one of the members present; and on the next day the following resolution was adopted:

"That all officers and soldiers who marched and continued in service till the reduction of the British posts on the northwest side of the Ohio; that all who engaged and enlisted in the Illinois regiment afterwards, and served during the war or three years, are entitled to a share of the grant under the resolution and act of assembly; that all those soldiers who have enlisted in said regiment since the second day of January for three years, or during the war, are not entitled, as there seems to be no provision made under the resolution for those who should thereafter be incorporated in the said regiment; that the officers of the regiment are entitled to a share of the land in proportion to the commission they respectively held on the 2d day of January, 1781, and not in proportion to the commission they have since held in consequence of promotions, and that, therefore, officers commissioned since that period are not entitled at all; and that those soldiers who enlisted to serve twelve mouths after their arrival at Kaskaskias, agreeable to an act of assembly of the fall session, 1778, for the protection and defence of the Illinois county, who did not re-enlist in the regiment, are not included in said resolution; that those officers who were commissioned under said act, and resigned before the expiration of the twelve months, are not entitled; last, that those who continued during the year, and then retired, not having a command, are entitled."

The board met on the fourth of August. The same members were present as on the third.

The claims of many persons were presented, and the most of them were allowed. The name, "Isaac Bowman, Lt.," is on the list of the applicants whose claims were allowed. By an order of the board, a subaltern officer was entitled to 2,000 acres of land. The board met on the 8th April, 1788, Colonel Clark being one of the members present, when a deed was executed to Isaac Bowman for his four surveys of 500 acres each.

O. Extracts from a journal of the Western Commission, which journal is on file in the auditor's office at Richmond, Virginia, as follows: January 1, 1783. "The papers of Major Joseph Bowman, deceased, and Capt. Isaac Bowman, were laid before the board, which were examined, and finding them necessary for the settlement of other accounts, take them with them to the Falls of Ohio." March 22, 1783. "An account of Capt. Isaac Ruddle was laid before the board for his company and rations when the Illinois country was taken by Colonel Clark. The money has been drawn by Colonel Montgomery at the treasury,

and carried by him to Kaskaskias, from whence he sent it by Isaac Bowman on from thence to be delivered to Isaac Ruddle; and on the passage, Isaac Bowman being taken by Indians, and his papers destroyed, yet saved the money, and after he was at liberty, gave it to Mr. Pollock; for this reason, and as part of it seems to be a private account, the commissioners could not settle it." These extracts also show an allowance by the commissioners, on the 25th June, 1783, of Mr. Isaac Bowman's account of his services as horsemaster to the Illinois regiment as noticed in the aforesaid paper marked H. They also refer to Romney and Winchester pay rolls noticed in the next paper.

P. Extracts from a book in said auditor's office, endorsed "Romney & Winchester's Copy Pay Rolls," showing that Isaac Bowman was an ensign, in 1775, in Captain Joseph Bowman's company of Virginia militia.

The foregoing is, in substance, the evidence on which the claimants rely.

The first question is, was the testator a lieutenant or quartermaster at any time in the Virginia troops under Colonel Clark in the revolutionary war?

It is certainly not proved that he was a quartermaster. The meaning of the paper marked K is too obscure to have any weight; whilst the papers marked I and L contain evidence against the idea of his being such officer. Indeed, his account, in paper marked H, against the State, presented by himself in 1783, was for his services as horsemaster (not quartermaster) in the Illinois regiment; and for part of the time charged, he was paid six shillings and four pence per day, "equal to a quartermaster's pay." He was, no doubt, as Colonel Clark certifies, a horsemaster for a while, in 1779, in the Illinois department, but such an employment, and a per diem payment for the service, are no evidence whatever that he was a quartermaster.

It may be considered, from the evidence, that the testator was a lieutenant in the troops under Colonel Clark, in the summer of 1778. The general assembly of Virginia, on the 2d of January, 1781, resolved: "As Colonel George Rogers Clarke planned and executed the secret expedition by which the British posts were reduced, and was promised, if the enterprise succeeded, a liberal gratuity in lands in that country for the officers and soldiers who first marched thither with him, that a quantity of land, not exceeding 150,000 acres, be allowed and granted to the said officers and soldiers, and the other officers and soldiers that have been since incorporated into the said regiment, to be laid off," &c. (10 Hen. Stat., 565.) In 1783, a board of commissioners was appointed to settle and determine the claims to land under said resolution. (II Hen. Stat., 335.) That board, at its session at Louisville in 1784, recognised the testator as a lieutenant, and allowed him a lieutenant's share in said grant of land. It seems proper, therefore, that we should view him as such officer for the time required to entitle him to such share in the grant. The same board, at its session in August, 1784, stated, in accordance with said resolution of 1781, that all officers and soldiers who marched and continued in service till the reduction of the British posts aforesaid, were entitled to a share of the grant. The said allowance of the commissioners, therefore, goes no further than to show that the testator was a lieutenant in said service until the reduction of those posts. Nor is there any other evidence, in our opinion, sufficient to show that he was such officer, at a subsequent period, in the Illinois regiment. The certificate of Douthitt amounts to no more than what is shown by the action of said board of commissioners at Louisville; and the ex parte affidavits of Kerchival, Stickley, and Lovelace are only as to rumors and matters of hearsay. The ex parte affidavits of Colonels Bowman and Crockett of the testator's being a lieutenant in said regiment in the fall of 1779, are insufficient, when viewed in connexion with the other evidence in the case, to establish the fact to which they relate. They are only parol evidence, and are liable to the objections to which, in such cases, such evidence is subject. They were made more than fifty years after the time they allude to, and do not state in what manner the affiants' knowledge was obtained.

The next question is, whether the testator's being a lieutenant in said troops when they captured the western posts, shows him to have been a lieutenant in the Illinois regiment referred to in the aforesaid act of Congress of 1832? And we think that it does not. The officers thus alluded to by said act of Congress were of the class of those to whom Virginia had conditionally promised half pay by the aforesaid act of 1779; but that Virginia act only applies to officers of the regular line who were in service when that act

passed, or were commissioned afterwards. The troops which marched against the western posts were not of the regular line. They were militia, raised by the mere order of the governor of Virginia, without legislative authority, and for a temporary purpose. Their term of service expired when the posts were reduced. The times of the reduction were as follows: Kaskaskias, on the fourth of July, 1778; Cahokia, a day or two afterwards. The inhabitants of St. Vincents took the oath of allegiance to Virginia about the middle of July, 1778, through the influence of Mr. Gibault, under the instructions of Colonel Clark; and about the middle of August following, Captain [Leonard] Helm, by order of Colonel Clark, took command at that place. So that said posts were reduced about nine months before the passage of the Virginia act of 1779. On the 15th of December, 1778, Mr. Hamilton, a British governor from Detroit, retook St. Vincents, but Colonel Clark, with one hundred and seventy men, raised at or near Kaskaskias without authority, (the term of the Virginia militia having expired,) marched from Kaskaskias and captured St. Vincents on the 24th of February, 1779, which was between two and three months before said act of 1779 was passed. (Clark's Journal, in Dillon's History of Indiana, 1 vol. 132 to 173.) Indeed the said Illinois regiment was not in existence when the western posts were reduced as aforesaid. It was raised afterwards, by an act of the Virginia legislature, for the avowed purpose of protecting the inhabitants of the country in which those previously conquered posts were situated. This appears by the following extract, under date of November, 1778, from Marshall's life of Washington : "While the frontiers of New York and Pennsylvania were thus suffering the calamities incident to savage warfare, a fate equally severe seems to have been destined for Virginia. The western militia of that State had made some successful incursions into the country northwest of the Ohio, and had taken some British posts on the Mississippi. These, by an act of the legislature, were erected into a county called the county of Illinois, and a regiment of infantry, with a troop of cavalry, to be commanded by Colonel George Rogers Clarke, \* \* \* \* were ordered to be recruited for its protection. This corps was divided into several detachments, the principal of which remained with Colonel Clarke at Kaskaskias." (3 Marshall's Life of Washington, 565.) That regiment continued in service until the end of the war. It is plain, therefore, that we cannot infer that the testator was an officer in the Illinois regiment referred to in said act of Congress, merely because he was an officer in the militia force that conquered the western posts. That the force that made those conquests was composed of militia, is expressly stated in the preamble to the Virginia act for establishing the county of Illinois. (9 Hen. Stat. 552.)

The last question is, even supposing the testator to have been a lieutenant or quartermaster in said regiment when said act of 1779 passed, did he serve till the end of the war or become a supernumerary?

We think it is quite certain that the testator did not serve until the end of the war. After his release from captivity, instead of going to his regiment, he went home in October, 1780, and there, so far as we are informed, he remained till the war ended. If, after his release, he joined the regiment and continued in service whilst the war continued, the burthen of proof of those facts was on the claimants; but they have furnished no such proof. Besides, the testator's name not being on the list of those entitled to half-pay, as reported by the board of officers hereinafter particularly noticed, is very strong evidence that he did not serve till the end of the war.

With respect to his becoming a supernumerary, the facts are as follows : On the 15th of November, 1779, he, with seven or eight men and one family, set off from Kaskaskias in a bateau for the Falls of Ohio. On the 17th of the same month, they were attacked on the Ohio river by the Indians, when the testator was severely wounded and taken prisoner. He was afterwards purchased from the Indians by a trader, and got to his home as aforesaid. That is the last we hear of him until in June, 1783, when he presented his account against the State of Virginia, for services as horsemaster in the Illinois regiment, from May the 12th, 1779, till his defeat by the Indians on the 17<sup>th</sup> of November, and then till the 11<sup>th</sup> of October, 1780, before he got home. There is nothing in those facts to show that the testator was a supernumerary officer. The Virginia act of 1779, in speaking of the officers entitled to half-pay, says: "And all such officers who have or shall become supernumerary, on the reduction of any of the said battalions, and shall again enter into the said service if required so to do," &c. If the testator, therefore, became such supernumerary officer, it was because the number of privates in said regiment had been so

reduced as to occasion a surplus of officers, and he had been dismissed from active service, by the proper authority, as such an officer. In the Virginia court of appeals, one the judges, in commenting on the statutory provision now before us, says: " What is a supernumerary? He is just as much an officer as any other; but his battalion or corps has been reduced or disbanded, or so arranged in some way as to leave him for the present no command, and the State to save the expense of full pay and subsistence, discharges him from actual service." (Lilly's case, 1 Leigh's Rep., 529.) Now, nothing can be clearer than that the testator was not within this definition of a supernumerary officer. About the time of his release by the Indians and his return home, Virginia had great cause for increasing her military force on her western frontier, and was making great exertions to do so. In October, 1780, (the month in which the testator got home,) the legislature passed the following act: " And for defence of the western frontier against the invasions of the Indian or British enemy, Be it enacted, that the governor, with advice of council, shall have full and ample power to cause to be recruited and fully completed upon the best terms possible, the regiment under Colonel George Rogers Clark's command, and that they be allowed the same pay and rations with other officers and privates on continental establishment, and be ordered into service whenever the governor, with advice of council, shall think proper." (10 Hen. Stat. 389.) This regiment, therefore, was not then to be reduced, but, on the contrary, it was to be recruited and fully completed upon the best terms possible. There is no evidence that there were too many officers in the regiment, and that the testator was dismissed from active service as a supernumerary officer. Nor does it appear from any source, not even from his own narratives of the affair to Kerchival or Stiekney, that he at any time after his release from captivity joined the regiment or offered to do so, or even gave notice of his release. The suit must therefore fail for the reason, were there no other, that it is not proved that the testator served to the end of the war or became a supernumerary.

The following facts connected with the cause tend strongly to show that there is no foundation for this claim :

1. The revolutionary war ended in 1783, and in 1784 the half-pay for the first year became due for those entitled to it, and the same continued to fall due at the end of each subsequent year during the officer's life. Now the testator resided in Virginia in 1784, and continued to reside there for more than forty years afterwards, yet he does not appear to have ever claimed any such payments. That he was ready to claim anything from the State to which he supposed himself entitled is evident from his claim, before noticed, for his services as horsemaster, which he made at Richmond in 1783.

2. If he was entitled to half-pay, he was also entitled, under a general law of Virginia, to bounty land, to wit, to 2,000 acres; which quantity was afterwards considerably increased. (10 Hen. Stat., 160, 375.) Yet there is no evidence that the testator ever received or applied for the bounty provided for by those statutes.

3. The testator's name is not found on any of the muster or pay rolls extant of the Illinois regiment. The Commissioner of Pensions, Mr. J. E. Heath, in a letter of the 17th of March, 1853, says: "There are on file in this office copies procured from Virginia of various muster and pay rolls, and other records of the service of officers of the Illinois regiment, but nowhere does the name of Isaac Bowman, as lieutenant, appear. This circumstance, coupled with the fact that quite as many officers have received half-pay for service in that regiment as ever belonged to it, raises at least a reasonable presumption against the present claim." Mr. J. F. Adams, an examiner in the Pension Office, in a communication of the 9th of August, 1853, to the Commissioner, says: "I have carefully read over all the rolls of the Illinois regiment as it was before November, 1779; Bowman's name does not occur on any pay roll or muster roll *of that period, when, it is said, he was a lieutenant*. I only find it in one list; it is that of the adjusting board of 1784."

That list of the adjusting board of 1784 is a list of those who claimed shares in the special grant of 150,000 acres of land, and does not, as before shown, affect this case.

4. In November, 1781, the Virginia legislature passed an act as follows: " And whereas, by the reduction of the battalions and corps in the State service, a considerable number of officers have become supernumerary, Be it enacted that a return of all the State officers shall be made to the next assembly, wherein the corps, the rank of each officer, the date of his commission, the number of men at first raised



in each corps, number of men when reduced, and time when reduced, shall be particularly specified by the executive; and the executive are hereby empowered and required to set on foot proper inquiries to discriminate such officers as by unworthy conduct, or by any means whatever be thought unfit to be considered as entitled to half-pay." (10 Hen. Stat. 466.) Afterwards a list of officers, as required by said act, was made out by a board of officers who sat at Richmond in February, 1782; which list purports to contain the names of the officers of the Illinois regiment entitled to half-pay. That list, though not the exclusive test as to the officers entitled, is very high authority. It is spoken of by a judge of the Virginia court of appeals, as follows: "In consequence of this law, [said act of 1781,] a board was formed who reported to the executive a list of the officers as entitled to half-pay, and the executive approved of it, and sent it to the auditors for their guide in issuing warrants." (Lilly's case, 1 Leigh's Rep., 534.) We have examined that list, which is now before us, and find that Isaac Bowman's name is not on it. (See list in Report No. 191, House of Rep., 22d Congress, 1st sess.)

We here close the examination of this case. Our opinion is, that Isaac Bowman, the testator, never had any right against the State of Virginia for the half-pay described in the petition; and that the present claimants, as his executors, have not now any right to such half-pay against the United States.

[The following are from [rejected claims in the Library of Virginia.](#)]

Commonwealth of Kentucky.

Fayette County, Sct.

Personally appeared before me, Daniel Bradford, a Justice of the Peace, in and for the County aforesaid, Col. Abraham Bowman, a Revolutionary officer, who being first duly sworn, saith, That his Brother Isaac Bowman, a Lieutenant in the Illinois Regiment of the Virginia State line of the army of the Revolution, was taken prisoner, as he has been informed by his said Brother, and believes, on the Ohio River, about forty miles above the mouth, in the month of November, 1779, being then, at the time of his capture, a Lieutenant of said regiment, having been in service from the spring of the year 1777. That he was with the Indians as a prisoner, until the month of April 1780, & was then purchased by a man named Turnbull, when he went to New-Orleans, thence to Cuba and from thence to Philadelphia, which this deponent thinks was in the fall of 1781. And further this deponent saith not.

[23 June 1832]



State of Kentucky } Personally appeared before me the subscriber a Justice of the Peace in  
Franklin County SS } and for said County Colonel Anthony Crocket of the army of the  
Revolution who being duly sworn saith that Isaac Boman was a Lieut of the Illinois Regiment in the fall of  
the year 1779 at Vincins that he affiant at that time was returning into Virginia and knows not how long  
the said Bowman continued in service and further saith not  
Sworn to & acknowledged before me this 4<sup>th</sup> day of September 1832 John McKee JPFC

State of Virginia } Personally appeared before me the declarant a Justice of the peace in and  
Shenandoah County } for said County Capt David Stickley who being duly sworn according to  
law saith that he has been personally and intimately acquainted for about forty years with Captain Isaac  
Bowman late of said County Deceased, that the said Deceased has during that period of time ever been  
known and reputed to have been an officer of the Illinoise Regimin in the war of the Revolution and to  
have been wounded and taken prisoner by the indians and kept in Captivity for some time and deponent  
has repeatedly and often heard the history of the same from Capt Bowman himself. (to wit) ascending the  
ohio river when he was attacked by the indians when all or nearly so were killed and himself wounded in  
several places and taken prisoner and retained for some time in captivity when he was purchased by an  
Indian trader and taken to Natchez and from thence he went to New Orleans and the Island of Cuba and at

the Havana he obtained a passage for Philadelphia and from thence home to his residence adjoining him the said deponent where he believes the said Bowman was born and died on or about the ninth of Sept 1826, from the common report relative to Capt Bowman and his known Character for truth and veracity and Capt Bowmans frequent receivence[?] to those transactions he the said deponent is as fully convinced of the Reality of his service Captivity &c as he possibly could be of anything which he did not see and further he saith not

[signed] C. Stickley

Sworn and subscribed before me this eighth of August 1834

State of Virginia } Personally appeared before me the subscriber a Justice of the Peace in  
Shenandoah County } and for said County Samuel Kercheval who being duly sworn saith that  
he is now in the sixty eethth[?] year of his age That he became personally acquainted with Capt Isaac Bowman late of said County Deceased about the year 1784 and afterwards related by mariage and continued most intimately acquainted with him untill the day of his death on the Ninth of September 1826 when he deponent was personally present That he was ever known through life as an officer of the Illinoise Regiment of the army of the Revolution. That the Deceased has repeatedly and at various times minutely stated to him a part of his services and privations to wit that late in the fall of the year 1779 while coming from Kaskaskia (as he deponent understood on Furtough [sic: furlough] to the falls of Ohio. They were attacked by the Indians when all [one or two undeciphered words] except himself were killed or never afterwards heard of and the said Bowman wounded in four places the scarrs of which he deponent has often seen towit one below the shoulder blade another through the left arm, another through the calf of the leg and a fourth through his foot. was taken prisioner and and caried into the interior of the Indian Country and ultimately adopted by an indian squaw and was afterwards purchased by an indian trader and taken to Natches and from thence he went to New Orleans to Havana on Island of Cuba from which he succeeded in obtaining a passage to Philadelphia and from thence he reached his house the place on which he lived and died That he was long a cripple or unable to have joined his Regiment and performed military duty probably not for a year or two. That the said Capt Bowman stated to him that he lost his commission and all of his papers at the time that he was taken prisioner  
Sworn to & subscribed before me this 8<sup>th</sup> day of August 1834 Sam'l Kercheval  
W Morris

I John Douthett Clerk of the Board of Commissioners of the Illinois Grant do hereby Certify that it appears from the books and papers in this office that Isaac Bowman Served in the Illinoise Regiment as a Lieutenant and was allowed Two thousand one hundred and fifty six acres of land in said Illinoise Grant, towit, Lots Nos. 1, 158, 213 and 289 five hundred acres in each and 156 acres in No. 32. In witness whereof I have hereto set my hand and seal (having no seal of office) this 29<sup>th</sup> day of August 1834.

John Douthett

To his Excellency the Executive of the State of Virginia  
Your memorialist represent to your Excellency that their late Father Isaac Bowman, was a Lieutenant of the Illinoise Regiment of the Army of the Virginia State line of the Army of the Revolution, that he was long in service prior to the month of November or December 1789 [sic] when he was captured by the Indians, and held in Captivity, and otherwise unable to reach his home untill at or about the time when the Regiment to which he belonged at least the mean time expired and the Officers retired as supernumeraries. Your Excellency will doubtless recollect that it was the Southern Indians which infested that part of the Country when the Father of your Memorialist was captured and that the rout which he took to reach his home, was the most natural one which he could have taken especially when under bodily disability from wounds received from the enemy whilst in the service of his Country Your Memorialist would farther remark that they are informed that their late Father is now believed to be the only Officer of that Rigement, who have not received their land warrant from Virginia for their Bounty land that they have been informed that the claims of their late Father was rejected during the last summer and that a rule has

been adopted by your Excellency requiring a Memorial from all of the parties interested and an affidavit from some one of them before the claim can be reconsidered or again acted on They therefore such as are in this state sign this memorial representing that the others reside in Ohio, Indiana Kentucky and Tennessee and would be attended with much trouble and inconvenience for to procure the signatures of these Your memorialist therefore pray your Excellency to waive the obtaining the signatures of all the heirs and admit the said Claim for a reconsideration and your memorialist as in duty bound will ever pray

George W. S. Bowman/ Robert C. Bowman/ Washington M. Bowman/ Mary A. H. Bowman  
Rebecca F. W. Bowman signed by George W. S. Bowman as acting Guardian for Mary  
[12 Dec 1834] A. H. and Rebecca F. W Bowman

Dear Sir I have not been able to find any evidence among the Illinois Payrolls & papers, that Isaac Bowman was Lieut in the Illinois Regiment. In 1833 I reported him to the Executive as an officer of that Regt. I am now convinced that I mistook the name of Isaac Browning [R12796] (perhaps badly written) for Isaac Bowman. Browning was Lieut in Col. Crocketts Regt which seems to have been merg'd in the Illinois Regt after its junction with it. I have no information derived from public documents that Isaac Bowman was a Lieut in the Illinois Regt.

Please excuse (and ask Mr. Robertson to do the same) this informal reply to your note

Very Resp'ly &c/ John H Smith Com'r &c  
Dec'r 22<sup>nd</sup> 1834

Wednesday 28<sup>th</sup>[?] June 1782

Mr Isaac Bowman presented an account of his service as Horsemaster to the Illinois Regiment, from 12<sup>th</sup> May till 17<sup>th</sup> November 1779 – 200 days for which the Commissioner was of opinion he ought to be allow'd equal to Quarter Masters pay 6/4 pr day, which amounts to £63.6.8. They are further of opinion, that he was out of the service of the State at the time he was capturd, and consequently has no legal claim for the time he was in captivity, but beg leave to refer it to the honorable Executive.”

“It also appears to the Com'rs that £1.2.6 is due the said Isaac Bowman, for cash paid on behalf of the State, when he was in service, as pr. vouchers &c

The foregoing is an extract from the [undeciphered] of the Western Commissioners Reported by T. Marshall President of the Board of Com'rs, in June 1780, to Governor Harrison – which Report is now in my possession as [several undeciphered words] John H Smith Com'r &c/ Dec'r 24<sup>th</sup> 1834