

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

Pension Application of William Lewis R62

Transcribed and annotated by C. Leon Harris

[E. M. Sanchez-Saavedra, *A Guide to Virginia Military Organizations in the American Revolution 1774-1787* (Richmond: Library of Virginia. 1978) writes as follows (p 173). "In the winter and spring of 1780-1781 a combined British raiding force under generals William Phillips and Benedict Arnold nearly succeeded in knocking Virginia out of the war. Large quantities of military stores, public tobacco, civilian property, and boats were burned or otherwise ruined. In a vain attempt to gain time, Governor Jefferson pressed a number of private vessels into emergency service, and placed them under the command of Captain James Maxwell [pension application R73] at Hood's [Hoods Landing on James River], in Prince George County. By the time the creaky flotilla was ready, the British had already sailed up the James River and into the Appomattox. After occupying Petersburg the force under Arnold recrossed the Appomattox and marched to Coxendale, or Osbornes, where a small quantity of military supplies was stored. On April 27 Arnold's infantry and artillery encountered the emergency fleet and a body of militiamen on the left bank. After a request for the Americans to surrender was refused, Arnold's cannon and musketry annihilated the fleet. When the smoke cleared, twelve of the disabled vessels were still afloat and easily captured. All the rest had been sunk." Sanchez-Saavedra states that William Lewis was captain of the ship *Renown*, a Dutch-owned merchantman.]

To James E. Heath Commissioner of Pensions for the United States.

The undersigned, as administrator de bonis non of William Lewis deceased, late of the Town of Fredericksburg in the State of Virginia, who was Commodore of the Virginia State Navy, and as such entitled to Half Pay under the Act of Congress passed the 5th day of July 1832, now presents the claim of his intestate for that service, and to sustain it, offers the following vouchers.

Number 1. The letter of Governor Jefferson to Captain Lewis dated March 8th 1781.

Number 2 List of vessels in the service at Turkey Island 22nd March 1781 sent by Robert Mitchell to the Governor.

Number 3. The Report of the Committee of the House of Delegates 1st January 1782 shewing that the fleet was under the Command of Commodore Lewis and burnt by his order.

Number 4. & 5. The deposition of George Rothrock of Fredericksburg identifying Commodore Lewis – and the deposition of Jane Benson to the same effect. These depositions will be confirmed by John Taliaferro Esq. of Washington.

Number 6. Letters of administration granted to Robert Lewis McGuire, of Fredericksburg, Va

Also refer to Jeffersons Works Vol. 1. letter from Gov'r. Jefferson to Congress dated the 8th May 1781 shewing when the fleet was destroyed, from which the undersigned claims the Half Pay of a Commodore.

Fredericksburg. February 3 1853.

Robt L McGuire

Adm'r de bonis non of Com. Wm. Lewis

Captain Lewis

In Council, March 8th 1781.

Sir, I am informed that the several persons whose services we desire to avail ourselves of on this occasion wish an authentic assurance of what before I had communicated to you verbally. You are therefore authorized to inform them that their vessels and their Loading shall be ensured by the State, that a reasonable hire shall be paid for their vessels and men, and the usual share of prize and plunder allowed. I have no reason to believe that the British are at present at Liberty to come out of Elizabeth

River, but this will not long be the case. You will lie close to Hood's til you receive further orders as before directed.

I am &c T. J

[Certified on 23 Dec 1852 as a copy from a Letter Book preserved by the Executive Department in Richmond.]

A list of the Vessels taken in the Service, now lying at Turkey Island 22^d. march 1781–

Ship Renown Capt. William Lewis, mounting 16, six pounders & 22 men.

Brig Willing Lass Capt. [Thomas] Williams mounting 12 four Pounders & 20 men.

Brig Marrs Capt. Thomas [sic: Brig *Mars*; Capt. John Thomas, pension application R100] mounting 8 four pounders & 10 men.

Brig Morning Starr [*Morning Star*] Capt Beatey [or Beaty] mounting 2 four Pounders & 13 men.

Schooner Heron Capt. Howell mounting 3 swivels & 7 men.

Slope Eminence Capt. Weastcoat [probably Samuel Westcott] mounts 1 Howet [howitzer] & 8 men.

Brig Wilkes Capt. [William] Cunningham mounts 12 Three & four pounders & 20 men.

One Deck'd. & one open River Craft belonging to Jno. Cooke of petersburg with five negroes on board

One Deck'd. Craft The property of Capt. Murry with three men on board.

Return/ Robt. Mitchell

[Copy certified 23 Dec 1832.]

Extract from the Journal of the House of Delegates of the 1st of January 1782.

Resolved that it is the opinion of this committee that the petition of Richard Evers Lee setting forth, that he was one fourth part owner of the Sloop Warwich which was burnt at Osborns on the approach of the British in the month of June last. That the said vessel was burnt by the orders of Baron Stueben [sic: Baron von Steuben] and Commodore Lewis for the security of the trading fleet then at that place. And praying to be made compensation for the same is reasonable. And that the commercial agent ought to appoint two persons to ascertain the damages which the petitioner has sustained in consequence of the said vessel's being burnt as aforesaid. And make report thereof to the next session of Assembly. The first resolution was read a second time and on the question put thereupon agreed to by the House.

[Copy certified 13 Jan 1853.]

Tuesday April 3, 1781

United States.

Warr[ant] to Cap Robert Mitchell for his services & expenses incurred while impressing & superintending several armed vessels taken into public service pr order of the Baron de Steuben & Marquis Le Fayette [sic: Marquis de Lafayette] – per gov order 2500.0.0

United States.

Warr to Hunter Banks &c for wages of & crews of the ship Renown, the Brig Willing Lass, the schooner Buckskin Hero & the Brigg Morning Starr, impressed into the service of the public by order of the executive and valued by persons appointed to 17,503.4.11

Wednesday 4th April 1781

United States

War to Thomas Simpson for wages to the Brigg Wilkes & her crew impressed by the gov orders at the request of Baron Steuben & appraised by persons appointed for that purpose pr Cert 7,605. .

D'r. United States

War to Cap Samuel Waistcoat for pay of himself mate and seamen on board the sloop Eminent [sic] impressed by request of Marquis Fayette p'r. Cert'e 2697.4.8

Monday the 9th April 1781

United States D'r

Warr to Cap John Thomas for pay of himself mate and seamen on board the Brigantine Mars impressed for public use pr appraisment 2730. .

This is to certify, that the foregoing are true copies of entries to be found in the day book of this office, of their respective dates, except that the contraction "Warr" is substituted for that of "D'r" in the last entry – and that after search the name of William Lewis has not been found as an officer of the State Navy, among the navy papers, on file in this department. Given under my hand this nineteenth Feb'y 1853

Ro Johnston/ Audr of Pub Accts

State of Virginia }
County of Spotsylvania } S.S.
Corporation of Fredericksburg }

On this 14th day of December A.D. one thousand eight hundred and fifty two personally appeared before me John Coakley a justice of the peace, duly authorized to administer oaths within & for the corporation aforesaid, George Rothrock aged eighty three years, a resident of Fredericksburg in the State of Virginia who, being duly sworn according to law, declares that he has been a resident of Fredericksburg for the last sixty three years, that he was well acquainted with "Commodore" William Lewis, who had been a Captain in the Navy of Virginia during the Revolutionary war, & who was for several years before at the time of his death, Surveyor of the Port of Fredericksburg – that the said Lewis died in Fredericksburg in the early part of the year seventeen hundred and ninety three

He makes this declaration at the request of the Administrator of the said Lewis dec'd in order that he may receive the half pay due to the said Lewis from the end of the Revolutionary war to the time of his death & any other compensation due to him on account of the services of the said Lewis.

[signed] Geo Rothrock

[Jane Benson, 76, stated that she lived with William Lewis's widow after his death.]

Copy of Letter./ Jeffersons Memoirs Vol. 1. page 219.

To His Excellency Genl Washington

Richmond 9th May, 81.

Sir The Enemy after leaving Williamsburg, came directly up James River and landed at City Point. They marched to Petersburg....

The enemy burnt all the tobacco in the warehouses at Petersburg and its neighbourhood. They afterwards proceeded to Osborne's, where they did the same, and also destroyed the residue of the public armed vessels, and several of private property. Signed./ T. J.

NOTES:

A note dated 25 Apr 1853 reads as follows: "Evidence obtained from Richmond showing that Commodore Lewis did not belong to the State Navy. This paper was shown to the att of the adm'r, Mr Lewis McGuire who thereupon abandoned the claim. He did not desire a letter to be written to him, formally" On 7 Mar 1853, however, McGuire wrote as follows:

"Botts informed me that your objection to Commodore Lewis' claim was that he did not belong to the State Navy. When you shewed me on Friday that the Renown was an impressed ship I gave up the case. But on reflection I still think the claim should be allowed. Here are my reasons. The ships Renown, Willing Lass, & others were pressed into the service of the State of Virginia in March 1781 and were with the Thetis, Jefferson & Hero, put under the command of Commodore Lewis on board of the Renown as the flag ship of the fleet. Gov. Jefferson's letter, though directed to Capt Lewis shews that the fleet was under his command. He calls it the State Navy also.

"Now you allege that as the *Renown* was pressed into the service of the State, her commander whilst he was in the service of the State was not an officer of the State Navy. the presumption that he who commanded the ship before it was taken into the service of the State, continued to command the ship after it was taken into the service, cannot be believed. It would have been illegal. The Governor would not have done so much injustice to the other officers of the navy as to place them under the command of a man who was not an officer of the Navy. Such an act of usurpation would have been resisted. The *Renown* was as truly a ship of the Virginia Navy as was the *Thetis*, *Jefferson*, and *Hero*. Seamen were seldom pressed into the service. Officers never were Impressed men were as much in the service as volunteers, & received the same pay & emoluments.

"The act under which I claim says nothing about being commissioned. It speaks of service & I have proved the fact of service as officer in the State Navy & therefore my claim is good & should be allowed.

"Commodore Lewis could not have usurped the command of the ship & fleet. Governor Jefferson's letter to him is legal proof that he was in command of the fleet by his authority & the Commissioner of Pensions in my humble judgment is not authorized to repudiate an official act of the Executive of Virginia.

"So much for my argument – Now for the precedent.

"Capt Thomas commanded one of these impressed ships. The Com'r. Mr Heath, as I am informed very justly allowed his claim for half pay as an officer in the Virginia Navy. By what rule of construction can you decide that Capt Thomas, whose "command & service" terminated with the capture of his impressed ship was entitled to half pay, & Commodore Lewis, whose service terminated I don't know when, was not entitled to half pay? If one is just & right the other is. [Note that John Thomas's pension (R100) was for service as Lieutenant and Captain in the State Navy until he resigned around 24 Jan 1778 as a supernumerary officer. It did not consider his later service as Captain of the impressed brig *Mars*.]

"I hope this will settle the matter in my favor. If not – please file this with the papers as my protest against your decision & that your successor may see the grounds of the application which will be made to him.

Respectfully Yrs in haste/ a. Alexander Little"

Richard Randolph of Beltsville MD then took up the case with a letter dated 1 May 1857 in which he wrote in part: "I have made charges against your predecessors in office, which I hold myself bound to verify. James E. Heath, who was appointed [interim Pension Commissioner, formerly Auditor of Virginia] for the sole reason, that he was a Whig; decided, that the commander of the Virginia fleet, was not an officer in the Navy, because, his flag ship, was a hired vessel: by the same rule, Gen'l Scott, on a hired horse, is not an officer in the army." With the letter are the following statements supporting his argument:

"Pension office 15th January 1833.

I have the honor to report the question made by the representatives of Peter S. Schuyler [pension application W17778] agreeably to your instructions. The accompanying paper marked A, presents the question, and the facts which enter into its merits. B is the extract from the minutes of the provincial congress, relied on by the representative; and C a copy of the proposed answer of the Department
Hon: Lewis Cass [Secretary of War] J. L. Edwards [Commissioner of Pensions]

"The within question has been referred to the Attorney Gen'l He is of opinion that service in a military office, even although a commission may not be issued, or may not date back to the commencement of the service, entitles the person to a pension for such service. See the rule so applied in this case.

Lewis Cass.

"A commission is not in every case indispensably necessary to invest a person with rank, or command, to entitle him to the emoluments of the office he fills, but some act, or instrument [of?] writing tantamount to a commission, or promiss of a commission, is deemed essential. Lewis Cass.

"Capt. Lewis performed 'service in a military office.'

“Governor Jeffersons letter to him, was ‘tantamount to a commission.’

“Colonel Tartons letter to Comodore Lewis [sic: Lt. Col. Banastre Tarleton, probably confused with Arnold; letter, not in file], requiring him to surrender his fleet, proves that he commanded the Navy.”

On 13 June 1858 James E. Heath reiterated that 1) Lewis was captain of a private vessel temporarily impressed, 2) he was never appointed a naval officer by the only body empowered to do so, the Naval Board, and 3) by law there was only one Commodore of the Virginia Navy (James Barron).

The file includes minutes of the Naval Board relating mainly to David Brown (pension application R15), a Surgeon aboard the *Dragon*, and not at all relevant to William Lewis. The file also contains without explanation a copy of a letter dated 25 Nov 1778 from George Washington to Brig. Gen. Jacob Bayley of the Vermont Militia, a transcription of which can be found at <http://etext.virginia.edu/etcbin/toccer-new?id=WasFi13.xml&images=images/modeng&data=/texts/english/modeng/parsed&tag=public&part=282&division=div1>