Ann herXmark Payne

Mathews County Cort Hous  February the 13th 1850

I take the priviledge of addressing you with a few lines consering the character of Capt. John Borums of mathews County  he has Takeing the aministration of Capt Th L Morris Dec’d. for moneys due him for his services, that it had been already rec’d. by His order  Capt Thomas Morris and Mr. James Davis both of them was my grand fathers  I, am The olds heir of Capt Thomas and had a rite under The law to have takeing the adminstration but not Being able to give secourty, I, give it up to Capt. John Borum as he was first ortherised by my pearrents to Do this said buiseness  Capt John Borum has gaveing Secourety here satisfactory to the Court, for his proceedance And as to my part, I, want nothing more than what is Coming to me when it may please the house of Congress order or grant payment whatever it may be and Then I demand my part, and that only, prevous to this Capt Borum have had claims for other people in this County and they say that he never defroded them out, of ther money. and they have no folt to find of him

I remain your humble sv’t. with due resp’t/ James Davis

Pension Office  18 Sept’r 1851

Sir  The papers have been examined in the case of James Davis whose representatives claim half pay
under the act of Congress of July 1832 for his services as Lieutenant in the Virginia State line of the Revolutionary war. There is no evidence to establish the claim not even in the Deposition of the venerable Mrs Payne of Hampton who was well acquainted with many officers belonging to Virginia particularly of the Navy in the Revolutionary war. She states that James Davis was an officer but of this there is no satisfactory proof. His name is not found on any of the Rolls except those of the Western Department where he appears as an officer of Militia called out to defend that frontier. For this service he appears to have received his due portion of land sometimes called the Illinois Grant, a tract of 50000 acres reserved in the Deed of Cession by Virginia of the N. W. Territory as a gratuity to the various military Corps Regulars Militia & Volunteers who served under General Clarke. But that gratuity establishes no claim to the benefits of the act of Congress of 5 July 1832.

[On 6 Feb 1852 Thomas Moore assigned power of attorney to Isaac N. Coffin to obtain benefits for the service of “Lieutenant James Davis if Hampton Elizabeth City County of the State of Virginia.”]

Auditor’s Office/ Richmond 14th Sept /52

Upon examination I find in Capt Bowman’s company. Ab’m Kellar [Abraham Kellar] was Lieutenant in Capt Charlaville’ Comp’y. Joneast Antyer [Joneast Antyear] was Lieut. in Capt Harrod’s Comp’y. James Patten [James Patton] was Lieutenant in Capt Richard McCarty’s Comp’y of Volunteers. J B Sancraint was Lieut. and Capt Richard McCarty’s Company of Regulars. John Girault was Lieut. I do not find a comp’y commanded by Capt Montgomery but find Ensign Thos Montgomery was in command of a Comp’y. I do not find a comp’y under the command of Capt Helm.

Yours Respectfully/ G. W. Clutter, 1st Clerk & Acting Auditor

Washington June 15th 1853
Sir [L. P. Waldo Esq/ Commissioner of Pensions/ Washington D.C.]: In the Virginia Half Pay case of Lieut. James Davis I show that he was in service after the passage of the Virginia Half Pay Act of May Session 1779 and therefore included within the provisions of that Act (and thus within the obligations assumed by the Act [of Congress] of July 5, 1832) as follows, and this letter I request be filed with the papers in the case.

In Collins History of Kentucky a Work in the Library of Congress at page 239 it is recorded that the First Expedition of all of Col. George R Clark to conquer the Illinois Country that the force of the Expedition consisted “of only four companies.” In Monett’s Mississippi a Work also in the Library of Congress page 416 it is recorded that the only four Companies “of that Expedition were commanded as follows viz The Companies were commanded by Captains Montgomery, Bowman, Helm and Harrod; and each man after the Indian custom, was armed with a rifle tomahawk and scalping knife. About the 24th of June {1778} he commenced his voyage down the river, after communicating to his officers the object and design of the expedition.” In same Work at page 426 is it described his 2nd Expedition and records that in “AD 1779” Late in January following, Colonel Clark received intelligence that Colonel Hamilton was at Vincennes, with only eighty soldiers under his command, and was unsupported by savage allies, yet contemplating the reduction of the fort at Kaskaskia in the Spring. To avoid this disagreeable alternative of being captured and led a prisoner to Detroit he determined to make an energetic movement with such forces as he could raise and anticipate his rivals designs by capturing Fort Sackville and sending Col. Hamilton a prisoner to the Capitol of Virginia. For this purpose, with great expedition, he prepared to meet a sudden and unexpected march to Vincennes with his whole disposable force. This force increased by two companies raised in Kaskaskia and Cahokia, and such recruits as he could muster within ten days,
amounted to only one hundred and seventy one men. Preparations for the expedition were made without delay; two companies were immediately raised and organized to re-inforce his command, one from Kaskaskia commanded by Captain Charleville, and one from Cahokia commanded by Captain McCarty. His force was thus increased to one hundred and seventy men.” And page 429 as follows “signed the article in the evening of the 24th February, and on the following day Colonel Clark at the head of two companies entered the Fort victoriously.”

Thus it is proved that the captains of Col. Clarke’s troops up to 24th of Feb’y 1779 were the Six Captains mentioned above viz Captains Montgomery  Bowman  Helm  Harrod  Charleville & McCarty.

Now who were the Lieutenants of those Companies. Answer, this is shown by the Letter to me of the Acting Auditor of Virginia dated 14th Sept 1852 herewith enclosed, who states that “Upon examination I find in Captain Bowman’s Company Ab’im Keller was Lieutenant: – in Capt Charleville’s Comp’y Joneast Antyer was Lieut: – in Capt. Harrod’s James Patten was Lieutenant: – in Capt Richard McCarty’s Company of Regulars John Girault was Lieutenant. I do not find a company commanded by Capt. Montgomery, but find Ensign Thos Montgomery was in command of a Company. I do not find a company under the command of Capt. Helm.”

Thus it is shown that Lieut. James Davis was not of either of those Companies which were all the Companies there were up to 24th February 1779, without he was Lieutenant under Capt. Helm (Ensign Montgomery being in command of a Company would not command a Lieutenant as James Davis was and so of court he was not an Officer of his Company,) – and we deny that it can be shown that he was in Capt. Helm’s Company. He therefore went into service after the abovementioned 24th of February 1779.

As the Honorable Board of Commissioners which sat in 1784 at Louisville Ky referred to in my former letter to you in this case Decided as Officially stated in their Report “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” and did Decide that Lieut James Davis was one of those entitled, as I have thus proved as above that he was not a Lieutenant in the Six only Companies of the First and Second Expeditions – it follows that their admitting him to the grant was a Decision that he did serve during the War or three years.”

As he is thus demonstrated above to have served three years, this three years must have been after at least the abovenamed 24th of February 1779. the termination of the 2d Expedition abovementioned and thus he could not have been a Supernumerary before the Act of Virginia of May Session 1779 and he is thus proved to be entitled under the Act of July 5, 1832. No power of sophistry can overturn this position and for the Government to attempt it would be Oppressive and Despotic in the Veriest Extreme.

I am/ With the Highest Respect/ Your Obed’t Serv’t/ Isaac N. Coffin