

Southern Campaigns American Revolution Pension Statements & Rosters

Pension application of David Holton S13419

f17NC

Transcribed and annotated by Will Graves

5/16/11: rev'd 9/20/22

[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 'indecipherable' or 'undeciphered' 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. Researchers should not rely solely on the transcripts but should review the originals for themselves. These transcripts are intended as an aid to research, not to be used in lieu thereof.]

Personally appeared before me Francis Hawks a Commissioner duly appointed by the Honorable Henry Potter District Judge of the United States for the District of North Carolina to take evidence in the case of David Holton a Petitioner to be placed on the pension list of the United States, at Newbern [New Bern] in the County of Craven and State of North Carolina on this 12th day of June 1818 Luke Foscue of said County who being duly sworn doth depose and saith as follows:

This Deponent was a Soldier in the Revolutionary War. In the year 1778 and 1779 he belonged to a company of North Carolina Militia commanded by Captain Archy Weeks [Archibald Weeks], in a Regiment under the command of Colonel William Caswell and the Brigade of General Ashe [John Ashe]. In this same Company was David Holton whom this Deponent then knew and still knows perfectly well. David Holton was a private in the Company. A month or two previous to the unfortunate defeat at Briar Creek [March 3, 1779]¹ while this Deponent and Holton were marching on with their Regiment to the southward the said Holton was severely wounded by an accident which came under the notice of almost the whole Regiment. By the carelessness of Colonel Caswell's Servant the Colonel's Gun was discharged and a part of the contents was lodged in the ankle of said Holton. This deponent actually saw the wounds within two minutes after it was given and noticed that it occasioned a hole just above his ankle on the outside of his leg about the size of the end of this Deponent's little finger. The said Holton was then left as disabled and the Regiment marched on to the South and soon afterwards reached the Savannah River. This Deponent did not see Holton until after that expedition was over. He has often seen him and been well acquainted with him since (they both being residents of the same County) but has never seen the wound or the place of it since until this day when he has examined it at Holton's request. On examining he discovered the mark of the wound and the leg around it angry and inflamed and looking as though it must occasion him still a great deal of suffering.

Sworn to before me this 12th day of June 1818

S/ Francis Hawks

S/ Luke Foscue, L his mark

¹ Briar Creek March 3, 1779 <http://www.myrevolutionarywar.com/battles/790304-briar-creek/>
Siege of Savannah September 16-October 9, 1779

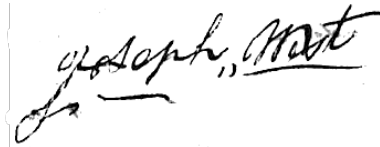
At the same time and place appeared before me the said Commissioner the Petitioner David Holton who being sworn on the holy evangelist of Almighty God deposed and saith that this Deponent was a Private Soldier in a company of North Carolina Militia commanded by Captain Archy Weeks in the Regiment of Colonel Caswell and the Brigade of General Ashe, raised and employed in the actual service of the United States. – While this Deponent was on his march to the Southward at a Creek called Coheary [Coharie] in Bladen County North Carolina he was wounded by an accidental discharge from a Gun carelessly snapped by Colonel Caswell's Servant. A large Buck-Shot entered this Deponent's leg a little above the ankle. This Deponent was carried a few miles to a Town called Elizabeth – the County Town of Bladen County, where his leg was opened by a Surgeon belonging to the Continental Regiment, and an attempt was made to extract the Shot, but without effect. The Shot had penetrated so far that it could not be removed and to this day remains in his leg. This Deponent was then left in the Hospital (such as it was) at Elizabeth with Lieutenant Church Caraway who was sick – remained with him making short journeys to return home until the said Lieutenant died, when the Father of the said Lieutenant brought this Deponent and the corpse of the deceased Lieutenant back to Neuse [River] where they had lived. The wound was received in the month of January before the defeat at Briar Creek, and about the middle of April or later it healed up during which period he acted as one of a Corps of invalids that did garrison duty at Piny Point [Piney Point] near the mouth of Neuse. – Shortly afterwards when the wound was healed (but still not to permit him to travel far) he did duty as a Volunteer in a Boat Company of Militia on Pam[paper torn: text missing] Neuse & Bay Rivers – and frequently afterwards did duty as a Militia Soldier in short tours and on such service as the consequent weakness of his leg would permit being deemed unfit for regular militia duty. At intervals since his wound occasions him little inconvenience but frequently a fever breaks out around it which gives him severe pain, and will disable him for six weeks and more so as to be unable to stand or to move from his bed except by crawling on his hands and knees. He has frequently tried medical assistance but without much benefit – As he grows in years the wound becomes more and more distressing so that for the last four years he has been unable to do a day's work and now deems himself utterly disabled from labor. Formerly he was enabled to act as an overseer which he did for William Orme, Charles Hutch and William Gaston – and then to take charge of a Mill for Colonel Nelson & Colonel Sparrow – but now he can do nothing to procure a subsistence & has not twenty shillings worth of property in the world except his clothes and a part of a lot of shoe-makers tools.

A handwritten signature in cursive script that reads "David Holton". The signature is written in dark ink on a light-colored background. The letters are connected and fluid, with a prominent 'D' and 'H'. The signature is centered below the main text block.

And on this 20th of June 1818 at the place aforesaid also appeared before me Joseph West of the County of Craven who being duly sworn doth depose and say that he was a Militia Soldier in Captain Weeks's Company and Colonel Caswell's Regiment and knew well David Holton who belonged to the same company and Regiment. That while the Regiment was on the march southwardly to Briar Creek and before it had gone out of the State of North Carolina the said David Holton was accidentally shot by a servant of Colonel Caswell's. This Deponent was within hearing of the report of the gun, and saw the wound immediately after it was received. It appeared to have entered into the ankle of his right leg or rather a little above the ankle and made a hole like a bullet hole. This Deponent was present also when the Surgeon opened the wound and attempted to get out the shot which he failed in doing. This Deponent went on to the

southward leaving the said Holton a disabled man behind, was on fatigue duty near & within hearing of the battle of Briar Creek, and served out his tour of duty which was for 5 months. On this Deponent's return to North Carolina he saw the said Holton who was still unfit for service. This Deponent has known said Holton ever since and has always resided in the same County with him. The said Holton have occasionally acted as overseer, and when unfit for pursuing that business have sometimes worked as a Shoemaker, but for some years past have been incapable of doing any business, and relied on his friends for subsistence. This Deponent verily believes that the said Holton owes his present disability to that wound; and have frequently wondered that it did not kill him. The wound often causes the whole leg and thigh to swell violently, is attended with unpleasant smell, and seems to threaten mortification.

Sworn to before me 20th of June 1818

A handwritten signature in cursive script, appearing to read "Joseph West", enclosed in a rectangular box.

and on the day and at the place last mentioned appeared again before me the said David Holton who being sworn doth depose and say in addition to his former Affidavit that he this Deponent is not on the pension list of any State, that he deferred making any application for relief upon the Public as long as he was able to subsist without it, and since he absolutely needed relief he has not been instructed how to apply for it and to procure it until now.

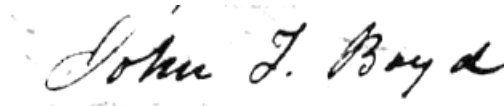
Sworn to before me 20th of June 1818

S/ David Holton

And on this first of July 1818 at New Bern aforesaid also appeared before me the said Commissioner Dr. John T Boyd a reputable Physician of said Town who being duly sworn doth depose and say that he had examined the wound in the right leg near the ankle of the said David Holton and have attended to the examination on oath of the said David in relation thereto; that the wound appears to have proceeded from the cause stated by the said David, that it has an inflamed and ulcerated appearance and that the inflammation extends over the greater part of the leg and has a general effect on his health; that the disability is nearly complete, and would be deemed entirely so but that he may occasionally work a little at the Shoemaker's trade – taking this and all other circumstances of the case into consideration this Deponent considers him disabled three fourths – and further saith not.

Sworn to before me first July 1818

S/ Francis hulks

A handwritten signature in cursive script, appearing to read "John T. Boyd", enclosed in a rectangular box.

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United States – North Carolina District

I Henry Potter, District Judge of the United States for the District aforesaid, by authority of an Act of Congress passed the 25th April 1812, entitled, “An Act to revive & continue in force an Act to provide for persons who were disabled by known wounds received in the Revolutionary War, & for other purposes,” – do hereby especially authorize and commission Francis Hawks Esquire of the Town of Newbern, County of Craven, & District of North Carolina aforesaid, to take all evidence pursuant to the rules & regulations of the said Act for

substantiating the claim of David Holter [marginal note indicates that “this name should be “David Holten [sic]”] of the said County of Craven to be placed on the Pension list of the United States, by reason of Known Wounds received in said war, or since, (as prescribed in the 4th Section of “An Act concerning invalid Pensioners,” passed the 25th April 1808,) – while in the actual Service of the United States, & in the line of his duty. And when the same shall be completed, to return the evidence, affidavits, Certificates & Proceedings had thereupon, together with this Commission, to the Secretary for the Department of War.

Given under my hand & seal, at Newbern, the 28th day of April 1818

S/ H. Potter, D. J. U. S. N. C.

See the above Acts & the Act of 10 April 1806, and also the Resolution requiring the Physician to specify the ratio of disability –

18th April 1796 – 3rd Volume, 374.

[p 12]

The Officer who presides over the Pension Office in the War Department is respectfully requested to re-examine the enclosed papers and to review the opinion pronounced upon them.

The Act of 10 April 1806 “to provide for persons who were disabled by known wounds received in the revolutionary war” provides, among other enactments, that the evidence in behalf of the applicant for a pension shall be taken before the Judge of the District or some person specially authorized by commission from said Judge.

This Act expired by its own limitation on the 10th April 1812. On the 25th April 1812 by Act of Congress then enacted the expired Act was revived and continued in force for six years, that is to say, until the 25th April 1818, and from thence “to the end of the next Session of Congress thereafter”. On the 25th April 1818 Congress was not in Session. Their first Session thereafter commenced in November 1818 and terminated on the 4th March 1819. – The testimony taken in this case conforms to the mode pointed out in the first recited Act – and was completed on the 1st July 1818, and laid before Congress on the 30th November 1818. – It is true that an Act concerning Invalid Pensioners, approved 18th April 1814, contains an enactment that depositions in cases of Applicants for pensions may thenceforth be taken before any State Judge: but there is no principle of construction by which a cumulative provision may be expounded to repeal other provisions consistent with it in the then existing laws on the same subject.

New Bern January 12, 1820

In behalf of Dd Holten [sic]

S/ Will: Gaston

[Veteran was pensioned as a disabled veteran of the North Carolina militia at the rate of \$4 per month commencing July 1 1818 for service as a private in the North Carolina militia.]