

Southern Campaign American Revolution Pension Statements & Rosters

Pension application of David Pannell (Pannill) VAS117

VSL23VA

Transcribed by Will Graves

8/29/12

[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. 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 fails 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 errors or omissions to my attention.]

[From [bounty land records in the Library of Virginia](#)]

To his Excellency Governor Floyd: Petition for Bounty land
Heirs of Captain David Pannill of the State Line

In November 1778 David Pannill was Captain. He [indecipherable word] received from Lawrence Smith Paymaster etc. the amount of a Pay roll £123.16.6. How long before that time he had been in service does not appear. He received pay from Lawrence Smith County September 25, 1779, near the end of the time to which Lawrence Smith's pay-book comes down. He received in June 1783 £362.6.6 the balance of his full pay, for services rendered before January 2nd 1782. In June 1783 he received sundry certificates for Interest etc. as Captain of artillery – (I do not understand, that these last mentioned certificates afford any proof of the time of his service.)

A respectable witness proves, that Pannill was in the service in the neighborhood of Williamsburg until sometime in the year 1781; and was left in service by the said witness who went to the South – and further, that he verily believes he served at least 3 years.

Although this claim is not fully supported by positive troops, there is a strong presumption in its favor. If Pannill was in service in November 1781 – or was in service a few months before November 1778 (both of which I think the probable) his claim is good. If your Excellency should allow it, it should be for a service of 3 years.
Respectfully submitted. John H Smith, Commissioner

Claim of heirs of Captain David Pannill to land bounty – Petition for a reconsideration

This claim was considered and rejected by the Executive on the 13th day of May 1834. Certain supplemental evidence is now filed which, it is respectfully suggested, should lead the Executive to a different conclusion. When the evidence in support of this claim was formally laid before the Governor & Council, the enlistment period at which Captain Pannill was proved to have been in service – which was shown by evidence drawn from public documents in the Auditor's office – was the 19th day of November 1778. A continuous service was proved by the same documentary evidence but to some time in 1780. It nowhere appeared that Captain Pannill had ever resigned became a supernumerary and if he had become supernumerary, under the construction put upon the act of the General Assembly of 1779 by the Court of Appeals in Markham's & Lilly's cases he would still have been considered in service unless when so requested, he had at any time afterwards refused to resume his command – been superseded or was [indecipherable word]. One witness swore that he was in an engagement at Mill Creek where Captain Pannill commanded, but it did not appear when this action was fought. The

affidavit of Carter Croxton¹ of Essex stated that he saw Captain David Pannill in service near Williamsburg sometime in the year 1781, but that in the course of that year the affiant was ordered to this South and saw no more of him. The affiant further stated that he had no doubt that Captain Pannill was in service at least three years, but this general declaration of the witness being regarded as a mere vague expression of the affiant's belief, was not considered by the undersigned as entitled to any weight. The character of Croxton as a man of veracity &c was vouched for by Richard Baylor Esquire the then delegate from the County of Essex to the General Assembly. Such is a brief summary of the evidence upon which the case was formerly submitted to the Executive. Now, as there was no proof anywhere among the public archives of the Commonwealth that Captain Pannill had ever left the service either voluntarily, by the sanction of a court-martial, or by operation of law, as the 19th day of November 1778 was not the date of his commission but the documentary evidence simply proved that he was in service at least as early as that date, and as that portion of the Virginia troops, who were ordered to the South in 1781 did not leave Virginia until subsequent to the battle of Green Spring, which was fought in June or July of that year, it was thought by the undersigned that these circumstances taken collectively afforded a presumption sufficiently strong that Captain Pannill continued in service for the residuum of the period of three years viz.: about five months, either prior to the 19th of November 1778 or subsequent to June 1781 or by [digital image of the document is cut off and part of the text is missing at this point] to these dates respectively, to justify the Executive in allowing this claim. As however this course of reasoning must have been deemed unsatisfactory, additional evidence has been procured and a rehearing is respectfully asked.

The attention of the Executive is invited to the grounds upon which the case is now placed by the additional evidence herewith filed – That evidence consists of two items viz.: a duly certified extract from a Journal in the auditor's office establishing that Captain Pannill was in service in Colonel Marshall's Regiment of state Artillery, nearly two months prior to the 19th of November 1778, and the affidavit of James Whitlock² of King William County which states that the affiant saw Captain David Pannill in command of a company of Artillery at Malvern Hills on James River just before the siege of York, that the affiant belonged to the 87th Regiment of the Virginia militia marched with the Regulars among whom was Captain Pannill & his company, to the "brick house" on your River, that the militia or there crossed over to the opposite side of the river and marched to Gloucester town opposite to Yorktown, after which he sold no more of the Regulars and that this was, at furthest, not more than 20 days before the surrender of Lord Cornwallis &c. Thus Captain Pannill is shown to have been in service as Captain of artillery for a period somewhat exceeding three years by direct and positive evidence excluding all presumptions of whatever kind. If it were deemed necessary to rely upon circumstantial evidence at all, the undersigned thinks that he would be fully justified in affirming that the presumption afforded by the testimony of Whitlock that Captain Pannill continued in actual, active, office & service until the surrender of Lord Cornwallis on the 19th of October 1781, is altogether too strong to be resisted and that the inference is, to say the least of it, very strong that he retained his commission until the end of the war, but the direct positive affirmative evidence proves a service of three years and the only question to be considered (as it appears to be [indecipherable word]) is, has the witness Whitlock told the truth?

If he has not told the truth, then, he must further be mistaken in his statements, or he has perjured himself. Has he committed a mistake? The character of the affiant would seem to

¹ [Carter Croxton S9250](#)

² [James Whitlock S11742](#)

forbid orderly such a conclusion. The minuteness with which the witness details the various circumstances their related show that they are still fresh in his memory. He states the number of the Regiment to which he belonged, the names of the commanding officers, the point from which they marched (New Castle or Symmes' Neck in the County of Hanover). He marched with his Regiment to Malvern Hills where some of our Regular troops were stationed and among them were Captain David Pannill of King William County and his company of artillery. He knew Captain Pannill well for the they were from the same County, the militia marched in company with him to the Brick House on York River on their way to York Town where they separated, the militia crossing the River and proceeding to Gloucester town and Captain Pannill marching to York on the North side of your River and this was but a few days before the surrender &c &c. Has the witness perjured himself? The certificate of the County court of King William (to which the Executive is respectfully referred) filed in this case, enumerates the heirs of Captain Pannill and Whitlock is not among them. He is therefore a disinterested witness and he could have no motive to depart from the truth. His statement moreover is clear and consistent and is strongly corroborated by the history of the times so far as it sheds any light upon the [indecipherable word] action there spoken of. He is a well known historical fact that at the siege of York the militia with a large portion of the French Army were stationed on the Gloucester side of the river. It seems therefore difficult to resist the conclusion that the witness Whitlock has neither committed a mistake from lapse of memory nor sworn falsely and that his statement contains the truth, the whole truth, and nothing but the truth.

All which is respectfully submitted by

S/ John W Brockenbough Attorney for the heirs June 17th 1834

To the Honorable Executive of Virginia

This is to Certify, That it appears from a List in this Office of such Officers and Soldiers of the Virginia State Line, during the Revolutionary War, 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, that a Certificate issued on the 14th day of June 1783 , in the name of David Pannill , as a Captain of Artillery for £362.6.6, which Certificate appears to have been delivered to himself and was given for services prior to the 1st January 1782.

Given under my hand, at the Auditor's Office, Richmond, this
Second day of January 1834 .

S/ Jas E. Heath, AUDITOR

The affidavit of Claiborne Morris³ of King William County and State of Virginia taken this night day of December 1833

This affiant after 1st being duly sworn according to law deposeth and saith that he was a soldier in the revolutionary War under Captain David Pannel of the artillery, Lieutenant Colonel Thomas Marshall's Regiment, and he recollects being in one engagement at Mill creek, the said Captain David Pennel commanding –

S/ Claiborne Morris, X his mark

The affidavit of Carter Croxton of the County of Essex aged seventy-five years made and subscribed the 19th day of August 1833 at Tappahannock in said County – This affiant being first duly sworn on the Holy evangelists of Almighty God – saith, that he was well acquainted with

³ Pensioned under the name Claiborne Morriss FPA S5776

David Pannill of the County of King William during the revolutionary war, that he saw Pannill as a Captain in the service, that he the said Croxton was in the company under the command of said Pannill, and served about two years in the neighborhood of Williamsburg and York County Virginia – that he left that section of the Country sometime in the year 1781 for the South, leaving the said Pannill stationed at Williamsburg; that he did not hear from him afterwards, but verily believes he served at least three years in the revolutionary war –: That the company of which said Pannill had the command was attached to the Regiment under the command of Colonel Elias Edmonds.

S/ Carter Croxton, Senior

Carter Croxton Senior

[Note: Unfortunately the digital images of the affidavit given by James Whitlock are so compromised that the document cannot be transcribed except in bits and pieces which would be unintelligible. If anyone has transcribed this affidavit from the original, we would welcome the opportunity to post it here. I can discern that Whitlock signed his affidavit with his mark.]