

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

Pension Application of John Applewhaite R12129

Transcribed and annotated by C. Leon Harris. Revised 27 Dec 2016.

To the Honble. P. N. Nicholas. Judge of the Circuit Superior Court for the City of Richmond. [8 Feb 1834]

The Petition of Judith Cary Applewhaite [of Norfolk VA] administratrix and sole heir of Doctr. John Applewhaite dec'd. respectfully represents that she recently present to the Auditor of the Commonwealth the claim of her deceased father upon the Commonwealth for half pay, as a surgeon the state Navy to the close of the revolutionary war: that the claim was rejected by the Auditor; that the decision was erroneous, as she trusted it will appear from the evidence filed with her application; and that having full evidence to establish the revolutionary service of her father, she prays an appeal from the decision of the Auditor and that your honor will extend to her the relief to which she is entitled in the premises by a decree admitting the claim for half pay to the time of her father's death.

She respectfully refers your Honor to the evidence which establishes the fact, that her father was a surgeon in the State Navy during the war, and continued to serve his Country in that capacity to the close thereof.

1st The Deposition of Sarah Gilbert, who was the Daughter of Doctr. John Ramsay of Revolutionary fame, ascertains that Doctr. Applewhaite was the mate of the Deponent's Father as early as 1776.

2nd The Deposition of William Jennings [pension application S5615], a Pilot and a Captain during the war, ascertains the Doctr. Applewhaite was a surgeon and actively employed as such at Hampton. After the surrender at York Town [19 Oct 1781], and that he continued to the end of the war.

3^d. It appears from the papers of the state boat liberty [see endnote], under the command of Lieut. James, that Doctr. Applewhaite was a surgeon on board that ship in the year 1785 and 1786.

If the proof stopped here, your Petitioner would respectfully submit that her case was clearly made. The evidence of the first witness referred to, refers the services of Doctr. Applewhaite to the Commencement of the war, and the records of a public Vessel ascertain beyond doubt that he was in active service after the war had ceased. And in respect to one thus shewn to be in service in '76 and in '85, what reason is there for presuming, that he had retired from that service in the intervals. Admit that he was influenced at all by Public spirit and devotion to his country, and there is none; but on the contrary, reason for presuming that he did not desert his post. And if his appearance in the employment of his country be referred to more unworthy motives, a desire of gain the presumption still is that he had not retired during the interval. But if any unfavorable presumption could arise, it is repelled, and the continuing service of Doctr Applewhaite established by the positive and unimpeached evidence of Mr. Jennings. The evidence of this witness is unimpeached, and as it will be presently seen, is corroborated by the concurring statement of a gentleman, whose claims to consideration and respect, are supported alike by his high personal and public character and by his own relations with the closing scenes of the war. Admit the evidence of Mr. Jennings and as before remarked the service of Doctr. Applewhaite to the close of the war is incontrovertably established.

4 The Deposition of Comm[odor]e James Barron [pension application W12264]. The situation of this gentleman at the time of which he speaks, the reference which he makes to his father [Commodore James Barron, Sr], the clear recollection which he has of particulars for which he accounts challenge for his statement the highest respect. His Deposition ascertains that Doctr. Applewhaite was a surgeon mate in '79 and '80, and that he was a surgeon to the Navy in '81 and continued to act in that capacity continuously until '87.

Your petitioner humbly submits, that the evidence of her witnesses and the corroborating tendency of the papers of the state boat liberty, verify with absolute and unerring certainty the claim which she prefers. She might appeal to the liberality of her country, but she is content to ask simple justice. To the before mentioned full and concurring evidence, she begs to add the letter from W. C. Selden to her agent O. B. Barrand whereby it appears that he also knew her father as a surgeon in the Navy.

To the objections of the Auditor your Petitioner briefly replies that

1. The absence of the name of Doctr; Applewhaite from the report of the Navy board, ascertains nothing. This appears from the fact that many similar claims have been allowed, which were exposed to the same objection: and for the reasons stated by Judge Coalter in his Letter [that the records were poorly kept]. Besides the objection is of a kind which at most would be entitled to consideration only in a case otherwise uncertain and can have no application to a claim supported by direct and full proof.

2. The alleged rejection by the secy. of war should not prejudice your petitioners application. If it had been rejected on its merits, that would still have been the answer; but being rejected under a positive if not arbitrary rule of Office, namely that full record evidence should be exhibited, it is entitled to no consideration in a proceeding which admits evidence of any description that is pertinent and abides by it when it is conclusive.

3^d. This applied to one only of the alternatives in which the claim was preferred, and admits the right to half pay in a proper case.

The 4th and 5th objections are answered by what has been said under the first. It is well known that numerous claims have been allowed to which these objections appeared: And at most all that can be asked is, that the negative presumption arising from delay [in applying] should be repelled by satisfactory proof of the claim. If presumption from delay or non claim had been heretofore admitted to rebut much weaker evidence, than that on which your petitioner relies the Commonwealth would have avoided the payment of many claims at the sacrifice it is to be feared of Justice. The delay to present the claim for half pay is explained by the course of the Government in respect to such claims, and is not therefore to be regarded as neglect; and the objection that no account for depreciation was settled is wholly presumptive; involving first the presumption, that no such account was settled, because none such at this day appears on the Public record and secondly the presumption that the absence of such an account is irreconcilable with the existence of a right to half pay. And after all these presumptions, gratuitous as they are, avail nothing, unless a third be ventured, namely, that your petitioners witnesses, numerous respectable and supported by an ancient Document, are unworthy of credit. It would seem to your petitioner as not less equitable to deny the claim at once by mere authority as to attempt to discredit it by such presumptions. If the claim be allowed it is to be brought down to 1801 when Doctr. Applewhaite died.

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[Of the many documents in the file, only the following contribute to the military record.]

Being called to ascertain whether or not I have any knowledge of services rendered by Doctr. John Applewhaite in the Revolutionary War; it is with pleasure I am enabled to recollect and state the following facts to wit. That my father Doctr. John Ramsay was a surgeon in the army, and that Doctr. Jonathan Colvert [sic: Jonathan Calvert, pension application R18], Wm Orr [William Orr], and Dr. Applewhaite were his mates. Their station was the Town of Portsmouth. I cannot say with precision what year this was in, but think it was in the latter part of 1776, the year in which norfolk was burnt [1 Jan 1776], but of the fact of the service of Doctr Applewhaite, in the capacity of mate to my father, I have the most distinct recollection.

Norfolk Borough 15 January 1833.

Sarah Gilbert

District of Columbia } On this 4th day of January 1834 personally appeared Com'e. James
Washington County } Barron before me one of the Justices of the peace in and for the County
aforesaid, and being sworn according to law doth depose and say

I was intimately acquainted with Doctr. John Applewhaite for many years. He came to the Town of Hampton in the autumn of 1781 soon after the seige of York and was there employed as the surgeon at that rendezvous to attend the sick belonging to the Navy of Virginia under the command of my father. My recollections of Dr. Applewhaite are still strong, as he once as I believe saved my feet which were violently attacked by frost administering a remedy which he said had been introduced into the Hospital at Valley forge in the winter 1779 '80 during his service there as a surgeon mate & and I have always been

under the impression that he served the whole of the revolutionary War as a surgeon's mate and surgeon and in the latter capacity I first knew him in 1781 and until the close of the war, and after until the confederation in 1787 when the Virginia Navy was abolished

James Barron

I am ask to know, if I have any knowledge of services rendered by Doctr. John Applewhaite, in the Revolutionary war, in reply to which I answer that I was perfectly acquainted with the said Applewhaite for many years and remember distinctly that after the seige of York in the beginning or latter part of 1782 he had charge of the sick at a hospital in this Town as surgeon in connexion with Dr. Miles C. Selden and that he continued in the service until the end of the war. I was at that time and have always been a pilot out of this port [Hampton] and after the seige of York was taken prisoner by a British arm ship and carried in the port of new York where I was kept 3 or 4 months and then returned to this Town, when my acquaintance with Doctr. Applewhaite's services as above stated commenced.

[18 Jan 1834]

Wm. Jennings

[The originals of the following were in tabular form:]

Pay Roll for the State boat Liberty commanded by Lieut Michael James

Time of Last payment: Nov 16. 1785

Mens names: Jno Applewhaite

Stations: Surgeon

pay per month: £5 for both boats

Time p'd. up to: 20 June 1786

Amount of pay: £35.13.4

no. of month: 7

& Days: 4

Extract from papers concerning the state Navy Vol 2nd

Jas. E. Heath Aud. Pub. accts

Aud'r. Office 31 Jun 1834

Pay Roll for the State boat Liberty commanded by Lieut. Michael James

Time of last payment: 1786 June 20

Mens names: Jno. Applewhaite

Stations: Surgeon

pay per month: £5 for both boats

Time paid up to: 15 Octo 1786

amount of pay: £19.6.8

no of months: 3

Days: 26

Extract from papers concerning the State Navy Vol 2^d

Jas. E. Heath. Aud's. Office Dec. 17 1833

NOTES:

Several vessels bore the name *Liberty*. The one mentioned here was the flagship of Commodore James Barron and participated in at least 20 engagements between 1776 and 1787.

Originals of some of the documents in the federal file are in the [bounty-land records in the Library of Virginia](#), but the online images are poor.