

Southern Campaign American Revolution Pension Statements & Rosters

Pension application of Joseph Simon Pell¹ R84

f223VA

Transcribed by Will Graves

10/8/12

[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.]

[f p. 15]

In the matter of the appeal to the Secretary of the Interior, from the decision of the Commissioner of Pensions, on the claim of the heirs of Doctor Joseph S Pell a Surgeon in the State Navy of Virginia, for Half Pay for life, under the Act of 5th July 1832 = The objection being as to the Sufficiency of the Evidence.

In reference to which the following remarks are respectfully submitted –

The documentary evidence consists of paper marked B extracted from the Journal of the Navy Board viz.

The appointment of Doctor Pell as Surgeon to the *Revenge* Galley 29 July 1776.

Orders of the Board for Medicines to be furnished him under dates 13 August 1776, 8 April & 3rd December 1777.

Order for payment to him of £50 on account of his wages on board Norfolk *Revenge* dated 2nd December 1776.

Paper marked A. Doctor Pell's account & Settlement for £17.6.3 for medicines furnish 22 October 1776 taken from Navy Ledger from July 1777 to July 1779.

Paper marked L. No. 3 John H Smith's reports to the Governor of Virginia that there was evidence which has been mislaid of his Service down to the time of the loss of the Norfolk *Revenge* Galley which he believed was in May 1778.

Paper marked C. Certificate from the Auditor's Office of Virginia that "it does not appear from the Record & documents filed in his Office that Doctor Pell ever resigned or was dismissed."

Paper marked J. Certificate dated 29 October 1787 & delivered to Doctor Pell himself for £49.16 for the balance of his full pay for services prior to one January 1782.

Paper marked D. Order of the Executive of Virginia dated 22 March 1834 to allow to the Heirs of Doctor Pell "Land bounty for services as a Surgeon from July 1776 to the end of the War."

This is all the documentary Evidence in the case that can be discovered among the imperfect files at Richmond. They show Doctor Pell was appointed a Surgeon in July 1776 & was found on the rolls up to May 1778 when the *Revenge* was some in Nansemond River – That he never resigned or was dismissed, and that is final settlement Certificate was not issued until October 1787 when it was delivered to himself. In regard to these facts, there can be no disagreement; they all verified by the records of Virginia – & are not denied:

The Laws of Virginia granted half pay for life to all the Officers of the State line and

¹ VA. Half Pay Va. Sea Service

Navy who served to the end of the War, or who became supernumerary and were not dismissed, or who did not resign or who did not refuse to enter the Service again, when called upon.

Now what was the Condition of Doctor Pell, after the destruction of the *Revenge*, but that of an officer not on duty. His Vessel was destroyed, but not his Commission – it is shown that he never resigned or was dismissed. So far then as this species of testimony goes, the Questions to be decided are, Was Doctor Pell an officer of the Navy? The evidence of his Commission proves the affirmative. Then, Did he become supernumerary, or rather an Officer not on active duty? The affirmative of this fact is also clearly established by the documents. Being in that position was he ever ordered again into Service, & if so, did he refuse obedience to the order, there is no evidence disclosed by the documents on this point, & if there be any, the *onus probandi* rests upon the Government. Upon this State of facts, the claim, it is conceived, might safely rest, but there is still other and stronger evidence, the testimony of witnesses, whose depositions are on file with the papers; This evidence goes much further – it proves to our minds conclusively, that Doctor Pell served on board the *Revenge* until she was sunk in May 1778, – that he continued in service long subsequent to that event; and several of the witnesses swear positively to his continuance in service to the end of the War – that is, to the dismantling or reduction of the *Maybe* in 1781. It is true the Commissioner of Pensions endeavors to destroy the force of this testimony by describing the witnesses in regard to mere discrepancies as to dates, a want of recollection, or a misapprehension of which by Major S. Wyatt (whose deposition is dated in May 1832) after such a lapse of time, is by no means astonishing & should not be regarded as utterly to destroy the whole effect of his statements. Major Wyatt was well known, and is proved by the affidavits here with, to have been a gentleman of very high character. The same general remarks may with equal propriety be applied to the objections respecting the testimony of other Witnesses. Upon this testimony the Executive of Virginia, who it is presumed knew better than the Commissioner of Pensions, the reliance to be placed upon the testimony of these witnesses, allowed to the Heirs of Doctor Pell "bounty land for his services as a Surgeon in the State Navy from July 1776 to the close of the war" (See D), But fortunately we have another witness whose character for honor and truthfulness stands on impeached by the Commissioner of Pensions and is unimpeachable – Colonel Stephen Wright² at this time, the oldest magistrate & Judge in the State of Virginia – an old gentleman alike venerable for his years, as for the virtue and probity of his whole life – which is evidenced by the numerous certificates accompanying the papers in this Case & to which especial attention is respectfully asked, as indicating the great weight to which his testimony is entitled – He (Colonel Wright) in his deposition dated in August 1849, marked K swears that he knew Doctor Joseph S Pell "when he was surgeon on board the *Revenge* Galley of Norfolk commanded by Captain Wright Westcott; and that he was in service in the year 1781 as such." But that he did not know how long he served after, though he presumes to the close of the war as he never heard of his resignation.

Into of all this mass of testimony, and contrasting it with that upon which the Half Pay was allowed to the heirs of Doctor John Lyon³ who was the Surgeon's Mate under Doctor Pell, it is difficult to perceive by what rule of right of justice or of principle the Commissioner of Pensions should have deemed the evidence in this Case insufficient, or that he should have admitted the one, and rejected the other.

Respectfully submitted
by R. Burgess

² [Stephen Wright R11907](#)

³ FPA R66

Attorney for the Heirs of Doctor Pell

[f p. 8]

State of Virginia

At a Court held for Norfolk County on the 15th day of January 1838

The Court doth certify upon satisfactory evidence that Doctor Joseph S Pell died about the month of June 1804 leaving a widow Mary Pell (who died in the year 1811) and left six living children at the time of his death viz.: 1st Samuel Pell who died intestate in 1828 leaving an only child Rebecca who married Josiah Pope. 2nd John Pell also has been absent from the Commonwealth sixteen years and not having been heard of is pronounced in law to be dead. 3rdly George Pell who died intestate in the year 1821 leaving one child Nicholas Pell who died in 1835 an infant under the age of twenty-one years without issue and intestate. 4thly Polly Pell who died in 1832 intestate and without issue. 5thly Betsy Pell died in 1828 intestate and without issue and 6thly Hester Pell who married Thomas Scott and died in 1814 without will leaving alive her husband the said Thomas Scott and a child Mary now the wife of David Edwards whereupon the court doth further certify that the said Isaiah Pope in right of his wife and the said Thomas Scott in right of his deceased wife are the distributees of the said Doctor Pell.

At a court held for Norfolk County on the 19th day of March 1838

On the motion of Isaiah Pope, by his attorney, it is ordered that the affidavit of John Marshall taken before John Nash JP on the 15 June 1833 the spread on the records and is in these words:

"Norfolk County to wit: This day personally appeared before me a Justice of the peace for Norfolk County aforesaid, John Marshall who made oath that he was well acquainted with Doctor Joseph S Pell before, during and after the Revolutionary War and he knows that Doctor Pell was a Surgeon on board of a vessel in the Virginia Navy Commanded by Captain Wright Westcott⁴ from early in the War, till the time that vessel was lost in the last of 1777 or early in 1778 – then Doctor Pell for a few months attended the sick of a Militia Company on Pig Point and afterwards (in the year 1779 this affiant believes), he was a short time Surgeon of Captain Willis Wilson's vessel and then was transferred to some other vessel and continued to act as Surgeon in the first one vessel and then another until after Cornwallis' surrendered (1781). This affiant is confident that Doctor Pell was in the service the whole War.

Given under my hand and seal this 15 day of June 1833

S/ John Nash, JP {Seal}

At a Court held for Norfolk County on the 19th day of July 1847.

The court doth certify upon satisfactory evidence produced before it that Elizabeth the wife of David Edwards, Lucy Scott, Thomas Scott and John Scott are the only heirs at law of Doctor Joseph S Pell deceased.

I Arthur Emmerson Clerk of the County Court of Norfolk County in the State of Virginia aforesaid, hereby certify that the foregoing are true copies from the records of said Court.

In testimony thereof I have hereto set my hand and affixed the Seal of the said court this 23rd day of May in the year of our Lord 1849 and of our Independence the 73rd.

S/ Arthur Emmerson

[f p. 179]

I Certify that I knew John Lyon who was Surgeon's Mate in the Revolutionary War under Doctor

⁴ [Wright Westcott R106](#)

Joseph S Pell, he was in the row Galley commanded by Wright Wescott in the year 1777 he was in Hampton in the hospital in the year 1780 and he was in service in the year 1781 I knew him to be in service for upwards of 3 years in succession & further I cannot say. As witness my hand & seal this the 18th of April in the year 1833

S/ Jeremiah Cain, X his mark

[f p. 159]

I hereby certify that it does not appear from the records and documents filed in this Office concerning the State Navy of the Revolution that Doctor Joseph S Pell, who was a Surgeon in said Navy ever resigned or was dismissed there from.

Given under my hand at the Auditor's Office Richmond this night day of August 1836.

S/ A. M. Morton
Acting Auditor

[f p. 40]

I, Abiah Red, of the County of Nansemond in the State of Virginia, now in the 76 year of my age being duly sworn on the Holy Evangelists, do say, that I was well acquainted with Doctor Joseph Pell, whom I knew as a surgeon attending the American Army while it was stationed at Jherico [Jericho] and at Mount Pleasant in this County, at the time Cornwallis marched through the Country. – I knew Doctor Pell from the time of that invasion, and I know that he wore the uniform of an officer, and was considered an officer until the end of the War at York. I recollect very distinctly that Doctor Pell was said to be a Surgeon in the State Navy, but as I resided off the river, I knew nothing of his Services in the Navy, except from the general understanding at the time he was attending the Army, which was, that he was a Surgeon in the Navy, but was then attending the Army; but for what reason I know not & do not now recollect – I am quite certain that Doctor Pell went with the Army from this County to York. I knew him after the war, and I know that he was considered as having served as an Officer to the close of the war.

S/ Ahiah Red, x his mark

[attested June 19, 1838 in Nansemond County Virginia.]

[f p. 10: copy of the last will and testament of Joseph Pell in which she names his wife Mary Pell as his sole heir during her lifetime with whatever estate is left at the end of her life to be equally divided among his children. He named his wife as his sole executor [sic, executrix].]

[f p. 3: Letter dated April 12, 1839 sent from Norfolk County Virginia to the U. S. Secretary of the Treasury by Isaiah Pope in which he identifies himself as one of the heirs of the late Doctor Joseph S Pell, late of the Virginia State Navy.]

[f p. 84]

I do by these presents certify that I knew Doctor Joseph Pell who was surgeon in the Navy of Virginia during the war of the revolution. I knew him the said Doctor Pell, when he was surgeon on board the *Revenge* Galley of Norfolk, commanded by Captain Wright Westcott; and that the he was in service in the year 1781 as such. I don't know how long he served after Though I presume to the close of the war as I never heard of his resignation further I know not.

As witness my hand and seal this 2nd day of August 1849.

S/ Stephen Wright, X his mark

[f p. 97]

I do hereby Certify that I knew Doctor Joseph S Pell as surgeon in the Virginia Navy during the war of the Revolution. After the sinking of the Revenge Galley (to which Vessel he was attached] I knew him as Doctor in the Navy waiting orders, and I knew him as Doctor in the Navy Stationed at Pig Point on the mouth of the Nansemond River, at which place he was, at the siege of York Town, after which time I don't know that I saw him his he went up into the Country. Given under my hand this 27th day of November 1849

S/ Stephen Wright, X his mark

Colonel Wright makes his Mark in consequence of blindness.

[f p. 100]

I hereby certify that sometime during the year 1780 my mother had some household furniture shipped from Petersburg to Norfolk a portion of which were pictures (two of said pictures I have in my possession at this time). The Vessel in which they were shipped came on shore at Pig Point, I heard of it, I got on my horse and rode down to Pig Point to see about the furniture, and I saw Doctor Joseph S Pell there at that time and I saw him there 2 or 3 times after that as Doctor in the Navy attending the sick & I saw him there during the siege of York Town attending to the duties of Doctor in the Navy.

Given under my hand this 13th of December 1849

S/ Stephen Wright, X his mark

[f p. 5: power of attorney dated August 2nd, 1849 executed in Norfolk County Virginia by John G Sibley, of the town of Portsmouth Virginia, who identifies himself as the administrator de bonis non with the will of annexed of the Estate of Joseph Pell, a surgeon of the Virginia Navy during the war of the Revolution.]

[f p. 104]

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 29th day of October 1787, in the name of Joseph Pell, as a Surgeon for £49.16.0, 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
7th day of May 1849.

S/ Jas E. Heath, AUDITOR

[f p. 180-- Undated and unsigned statement]

Doctor Joseph Simon Pell was appointed a surgeon to the Virginia State Navy on the 29th of July 1776 & served on board the Row Galley "*Norfolk Revenge*" commanded by Captain John Calvert up to the date of his (Calvert's) resignation in 1777 – when the command was given to Captain Wright Westcott who continued in that vessel until she was sunk in May 1781 at the time of Leslie's invasion of Virginia. By the testimony of Marshall, Hays & Wyatt – Doctor Pell was under Captain Westcott in May 1778 when the Revenge was lost & that he continued with Westcott to the close of the war – Captain Westcott is reported to have served to the end of the

war & has drawn his "Half Pay" by the act of November 1781 – see 10 Hening P. 449 & 450 all surgeons pay Masters chaplains & all other staff officers of the Navy are dismissed – when the *Revenge* was sunk –

[f p. 185: reference to Joseph Pell marrying Mary Benn, daughter of George Benn, in Nansemond County Virginia on May 12, 1778.]

[f p. 186]

Norfolk County, to wit

I William Wright a Justice of the peace in the County of Norfolk aforesaid do hereby certify that John Marshall this day made oath before me that he knew Doctor Joseph Pell & Doctor John Lyon who were the Surgeons on board of the State Vessel, the *Revenge*, commanded by Captain Wright Westcott in the revolution. That the *Revenge* went up Nansemond River to avoid the enemy, then at Portsmouth, and that she remained there for 4 or 5 months, & was sunk in that River near the mouth of Bennett's Creek – that Doctor Pell, Doctor Lyon & Captain Westcott and Alan Wood and his 2 sons Allen & William (who were seaman) were attached to the *Revenge* as long as she lay in Nansemond River, and he frequently saw them at Edward's Tavern in Nansemond. Doctor Pell married Miss Benn and Doctor Lyon married Miss Jackson, both of Nansemond County. Mr. Marshall does not know how long Doctor Pell and Doctor Lyon was in service nor can he recollect the precise time when they were on board the *Revenge* in Nansemond River. He was himself in the service under Captain Knott and was not so well acquainted with the service of those in the Navy. I further certify that Mr. Marshall is a respectable man and is worthy of belief.

Given under my hand this 31st day of March 1832.

S/ Wm Wright

[f p. 186]

Norfolk County, to wit:

John Nash a Justice of the peace hereby certify that Lemuel Hays Esquire this day made oath before me that during the revolution he resided in Nansemond County, and that he knew Doctor Joseph Pell who was a Surgeon on board of one of the State vessels commanded by Captain Wright Westcott. He knows that Captain Westcott was in the habit of visiting Nansemond River which was her rendezvous, and that at the time of Leslie's invasion, Captain Westcott's vessel took refuge in Nansemond River & was sunk near the mouth of Bennett's Creek, where her bulk remained for many years afterwards, & was frequently resorted to by this affiant as a good fishing ground. He knows that Doctor Pell was the surgeon of that vessel & that he represented himself in that County as being very rich & consequently married Miss Benn one of the most respectable ladies in Nansemond. This affiant does not pretend to say at what time Doctor Pell entered the Navy, nor how long he continued in it, but he knows well the fact that he was the surgeon under Captain Westcott at the time his vessel was sunk & for some time before.

I certify that Mr. Hays is to be believed.

Given under my hand & seal this 3rd day of February 1832

S/John Nash, JP

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

Addendum to Joseph Simon Pell R84

Transcribed and annotated by C. Leon Harris. 29 Dec 2020.

[From [bounty-land records in the Library of Virginia](#) indexed as Pell, Joseph S.]

Nans[emon]d Office 6th January 1832.

Dear Sir, The register of marriages at the time you mention, were not returned to the office, neither were any record made of marriages of that date. but I find Joseph S. Pell's marriage license bond, with John Benn his security, (to marry Mary Benn) which is dated the 12th of May 1778. I see the will of George Benn (the father of Mary Benn) which is dated the 16th August 1778 and recorded 14th December in the same year, in which he appoints Mourning Benn executrix and Wm Cowper exor. who took upon themselves the burthen of the execution thereof, on the said 14th Dec. 1778. If you should want copies of the above, you can get them by ordering the same.

I remain yr obt./ John Thompson Kilby
By James P. Griffin

Doctor Joseph S. Pell was the surgeon of the State vessel the Revenge. An extract from the Navy Acct. herewith filed shews that Dr Pell was Surgeon of that vessel & that a warrant issued to him on the 13th of August 1776 for £8.10 to buy medicines. In the old Navy Journal (to be found in the Auditor's office) under date of the 8th of April 1777, It is ordered that Dr McClung deliver to Dr Pell medicines for the use of the Revenge

The deposition of Lemuel Hays Esq a respectable man proves that Dr Pell was the surgeon of the Revenge & that Pell married a Miss Benn in Nansemond County whilst he was in service which marriage took place in the middle of May 1778 (see certificate of the Clerk of Nansemond) Mr Hays further proves that Dr Pell was in service at the time the Revenge was sunk by the enemy, upon the invasion of Gen. Leslie [Alexander Leslie, 20 Oct 1780], which is stated in Marshall [John Marshall S5731] life of Washington (Volume 4th Page 328) to have been on the 25th of October 1780, & that Gen Leslie took possession of the country from Portsmouth to Suffolk The affidavit of Mr Hays is corroborated by that of Mr. Marshall who proves that the Revenge was sunk in Nansemond river & that at the time, Dr Pell was the Surgeon & Dr. John Lyon [R66] was the Surgeon Mate – which he represents to have been at the time the enemy were at Portsmouth. General Leslie took possession of Portsmouth October 25th 1780 & soon after abandoned it and on the 30th of Dec'r 1780 Gen. [Benedict] Arnold took possession of Portsmouth & established himself there the 20th of Jan'y 1781

Mr Marshall proves also that Dr Lyon was the Surgeon Mate. In the Navy Journal under date of the 3^d of September 1778 Dr Lyon is there mentioned as the Surgeon Mate and also in the accounts of the Committee of Safety under date of the 6th of May 1778. Dr Pell & Dr Lyon both received certificates of depreciated pay

The evidence in this case is that Dr Pell was in service from the 13th of August 1776 to the time the Revenge was sunk which must have been in the winter of 1780-81. Captain Wright Westcott [R106] who was Commander of the Revenge is reported by the board of officers to have served to the end of the war. Dr Pell died many years ago leaving several daughters & a son who reside in the neighbourhood of Portsmouth Richmond April 11th 1832 J W Murdaugh for the heirs

Norfolk County towit

I Tapler Webb a Justice of of the peace of Norfolk County hereby Certify that Major Spivey Wyatt [Spievy Wyatt S6456] this day made oath before me that he was well & intimately acquainted with Dr Joseph S. Pell & that they were near neighbours. Maj. Wyatt made oath before me that Dr Pell was Surgeon on board of the state vessel commanded by Capt Wright Westcot in the Virginia State Navy, from the year 1777 or 78 untill the end of the war. He knows that Dr Pell remained with Capt Westcott as

Surgeon in the navy to the close of the war. He has frequently conversed with Dr Pell in relation to the war, since the war & he further made oath that Dr Pell, as well as he recollects died in the month of June 1804. I certify that Maj Wyatt is a gentleman in whose oath the most implicit reliance may be placed. Given under my hand & seal this 17th of May 1832 T Webb J.P.

Extract from the Petition of Preeson Bowden & Co

“That they were owners of the brig Norfolk at the time when the Galley Norfolk Revenge was sunk in James river, the Commander of the said Galley made application to the Petitioners for the use of the said Brig Norfolk to raise the Galley & had her 25 days, that the said Brig received Considerable injury &c &c, for which the Petitioners pray a remuneration.

This Petition corroborates the evidence of L Hays Esq & Mr Marshall. It will be found in the Petitions to the General assembly of 1791.

J W Murdaugh

Dr. Jos. S. Pell was a Surgeon in the Virg'a State Navy from July 1776 to the end of the war & is entitled to Land bounty for 7 years & 4 months services. March 15th 1834/ [illegible signature]

NOTE: The file also includes a copy of an account for Jos. Simon Pell with a charge of £17.6.3 dated 22 Oct 1776 “By the Norfolk Revenge Galley for medicines &c as pr Acct.”