

States that he did serve with an embodied corps called into service by compatanat authority that he was either aspying or in garrison the whole of the 2 above six mounths Tours and that he was not employed in any civil pursuit in the time of the above Tow Six Months Serves

Sworn to and subscribed the day and year above written before me
W P Goss J.P.H.C. [signed] Samuel Harbert

State of Virginia } } On this the 18th day of June 1833 personally appeared in open
Harrison County } Ss } Court before the justices of the County Court of Harrison County
Samuel Harbert a resident of said County as stated in his annexed declaration to which this is an
amendatory declaration, - and doth make the amended declaration after being duly sworn
according to Law in open Court and further States he never did receive a discharge. That he had
a record of his age but has lost it, - That he dose not recollect of any Colo being in Command
over him untill Capt Lowther was promoted from a Capt. to a Colo. and after his (Lowthers)
promotion he (Lowther) was his Colo untill the end of the war, - And he further saith that by
reason of old age and the consequent loss of memory, he cannot swear possitively as to the
persise lenght of his servis but according to the best of his recollection he served as below
mentioned and as follows - That as stated in the annexed declaration he entered the service in
1778 - that he was alternately serveing from the spring 1778 untill the close of the war some
times as a private and some times as a Spy - but that he cannot swear the time and state what
time of his services was performed as a private & what time as a spy -, he further states he was
called into servis under compatanat authority under the officers heretofore mentioned, - That he
seldom was located for any considerable lenght of time at any one place, - but while in servis
was on the scout or spying, - and for the time during which the service was performed he was
not employed in any private persuit - and further states that he did not know any regular
soldiers nor officers. That there was none in the region of country where he served as he knew
of of. - he states he is well known in the neighbourhoud where he now lives by John J Allen Esqr
Mr. Goff Esqr Judge, E S Duncan, John Reynolds, Caleb Bogguss [sic: Caleb Boggess], to whome
the department can have refferance to his standing and character, - he staets he scouted &
spyed in outing[?] in the region of country on the Ohio River on the Va side, - That his head
quarters was a block house at Colo Lowthers and at Powers Fort, - he states positive that he
served in actual service at least one year

Sworn to and subscribed June 18th 1833 in open Court [signed] Samuel Harbert

[The following report is by District Attorney W. G. Singleton who investigated many pension
claims from Harrison and Lewis counties. See pension application S6111 of David W. Sleeth for
details.]

[Written in different handwriting at the top of the page:] "X The only statement of [one or two
illegible words] in this case [illegible word] by Singleton is the following"

Samuel Harbert. \$40—

July 21, 1834. Harbert made the following statement. is 74 yrs. old- moved to Ten mile
[Tenmile Creek] Harrison County in the year 1775 - remained at Powers Fort - Ten mile - Grundy
a Luders[?] Block House during the whole war. Capt John Thomas & John Reed were the first
officers at Powers Fort. afterwards Capt Lowther and William Robinsen. they also commanded at
the Block House. he is confident that he was at least one year in actual service. guarding the
stations above mentioned and scouting in their vicinity. this service was done in piece meals of
two - three - four or five days at a time — Nathan Goff wrote his declaration gave him the same
narative he now gives —

In Witness that this statement is true I hereto subscribe my name. - Mr. Goff charged me
nothing nor did I give him any thing for his services in procuring my pension —

Witness

Saml. Harbert.

N. Goff [Nathan Goff, pension agent at Clarksburg]

Christopher Nutter [pension application W5434] has known Harbert for many years - thinks him
about 70 yrs. old. Harbert my have done some service but not much. Known him althrough the
war.

a Copy

W G Singleton Novr 17, 1834

Know all men by these presents that I, Benjamin Harbert of the county of Harrison and State of Virginia, do hereby constitute and appoint John A. English & Shimuel Godwin my true & lawful attorneys, for me and in my name, to prosecute my claim (as one of the sons & heirs of Samuel Harbert deceased, of the county and state aforesaid, who was a Revolutionary Pensioner of the United States, and who was (as I believe) improperly stricken from the Pension roll about the year 1835) to my portion of the amount my said father would have draw or been entitled to up to the time of his death, if he had not been stricken off, as aforesaid. And I do hereby ratify whatsoever they may lawfully do in the premises.

Witness my hand and seal, this 11th day of July 1851.

Benjamin Harbert

[On 12 Mar 1860 John Love and Abram Davis deposed that they had known Samuel Harbert, that he had the reputation of having been a Revolutionary soldier, and that he died in Feb 1847 leaving no widow and the following children: John, Isaiah, Samuel, Benjamin, and Ruhannah all of Harrison County; Rebecca, resident of Ohio; Sarah and Elizabeth, resident of Utah Territory.]

Harrison Co. Va. Mar. 20, 1860

Hon Geo. C. Whiting Com'r. of Pensions

Sir Enclosed please find the Claims of the heirs of Samuel Harbert and Edward Harbert [his brother, pension application S15448] for the arrears of pension from the time the pensions of said pensioners were stopped to the date of their death.

The soldiers named were pensioners of this County under the Act of June 7, 1832 and their pensions were suspended in 1834 by reason of a report from Dist. Atty. G. W. Singleton [sic] under which several hundred pensioners were stricken from the rolls including all in this and Lewis Counties.

We believe that in some similar claims which have been filed in your office it has been decided that upon application being made these pensions will be restored and, where no widow survives, the arrears will be made payable to the children of the soldier. We refer to the action had upon the Claims of the heirs of Purnell Houston [S15467], Peter Haught [S6981], George Wade [S7829] and James Troy [S7747] all of whom were pensioners under the Act of June 7th 1832 in the Virginia roll and their pensions suspended. We believe that the pensions have all been recently restored and the arrears paid to the Children of the pensioners.

We respectfully ask that early action may be had upon the claims. You will please address all communication respecting the claims to Tucker & Lloyd, Washington D.C.

Very respectfully Tucker & Lloyd By T.—

Washington 21[?] April 1860

Hon. Geo. C. Whiting Com'r. of Pensions

Sir We have filed in your office the claims of the following named persons for arrears of pensions under Act of June 7th 1832 — viz —

Saml. Harbert, dec'd. Heirs of

Edw'd. Harbert dec'd " "

Abraham McCulloh " " " [Abraham McColloch S15534]

Christopher McVaney " widow of [S15533]

Edw'd. Kearney " Heirs of [Edward Kearney S15495]

The above parties were pensioned on the Virginia roll and their pensions were suspended. We respectfully claim a restoration of said pensions and beg your earliest attention to the matter

Very Respectfully Tucker & Lloyd

Washington D.C. May 30th 1860.

Hon. Geo C. Whiting Com'r. of Pensions

Sir I have filed in your office the Claims of Samuel Harbert's heirs, and others for restoration of the pensions allowed them under the Act of June 7th 1832 and which were suspended in 1834. In your letter to our firm of Tucker & Lloyd under date of April 30, 1860 these Claims, five in number were rejected.

I select the Claim first named in your letter, that of Samuel Harbert, and respectfully

request that a full and careful re-examination may be made of this Claim and in connection with the examination a review made of the entire action of your office and of the Government Agents through whose reports these pensions were stopped.

It will be found that in 1833 or 4 information was received at your Office that Jonathan M. Wamsley, James Bennett and Dr. Lowther, all of Weston, Lewis Co. Va. were engaged in presenting fraudulent Pension Claims, that many for whom they had procured pension, had served, not in the Revolutionary War, but in the Indian Wars after the close of the Revolution. In consequence of this information all pensions of pensioners residing in Harrison and Lewis Counties and many in other Counties were suspended, and an agent sent to enquire who were properly and who improperly pensioned.

Instead however of employing an impartial person as this Agent, W. G. Singleton then U. S. Dist Attorney for that Dist. was selected. Mr. Singleton from his position was pecuniarily interested in reporting adversely to the pensioners as suits were instituted against most of those who he reported were improperly pensioned, and I submit was not the proper person to be employed by the Government in an investigation of this character, and I believe that an examination of his course in these matters will convince you that he acted from corrupt motives.

Upwards of fifty suits were instituted by Mr. Singleton against the pensioners. In some verdicts were rendered for the Plaintiffs, in others for the Def[endan]ts. Some were abated by reason of the deaths of Deft. and others were dismissed before trial, but for what cause is not stated in the records of the U. S. Court at Clarksburg. In the only criminal trial had by reason of Mr. Singleton's investigations & reports, that of the U. S. vs David W. Sleeth, the accused was acquitted & his pension subsequently restored.

Among those against whom the Government obtained Verdicts for the sum paid them, were, John Waggoner [S7824], Jacob Hyre [W7856], Joseph Kestor [S2690] and Aaron Holbert [S18028], and if I am correctly informed by the heirs of the soldiers, they were all subsequently restored to the Pension roll. No suit was instituted against Samuel Harbert.

I believe that an examination of those Claims when the pension was stopped through Mr. Singleton's report must convince you that all or nearly all were properly pensioned, and their pensions were unjustly suspended. In the case of Samuel Harbert herein called up, he complied with every requirement of your Office. In his first declaration he stated his service and his statements were supported by the testimony of Rev. Basil Hurdey, Caleb Bogges. John Harbert and Josiah Davidson, the two last of whom served with him, and the opinion of the Court to a belief in his statements, to his Revolutionary reputation, and to the credibility of the witnesses, is given in the usual manner. The claim appears to have been examined and the claimant or his Attorney notified that a more specific statement of his service was required, Amended declaration was filed, the claim again examined and a pension for one years service allowed.

The Claim was not presented by either Wamsley, Bennett or Lowther but by Nathan Goff, who was I think U. S. Marshall, and who was and is a gentleman of wealth and high standing.

The report of Mr Singleton upon which the pension appears to have been stopped consists of an alleged statement from the pensioner and a certification from Christopher Nutter. Without admitting the justice of striking the names of pensioners from the rolls upon such statements, I submit that there is nothing in them inconsistent with the statements made in the claimants declaration. The names of officers and particulars of the service correspond with the declaration and with the minutes made by the examiner and upon which the Claim was admitted. - Mr Harbert states - he is confident he was at least one year in actual service guarding the stations named and scouting in their vicinity "this service was done in piece meals of two, three, four or five days at a time." This last clause if such language was used by him evidently refers to the periods he was absent from the forts engaged at spying and scouting.

The Claim was originally presented by Mr Nathan Goff an officer of the Government, who expresses his belief in the justice of the Claim, and who from the pensioners statement in Mr Singletons report, was disinterested in the Claim, he stating that Mr Goff charged him nothing nor did he give him anything for his services in procuring the pension.

In the case of Samuel Harbert as in others of the same character no additional evidence of the services can be obtained. The rolls of the Virginia Militia, as is well known do not exist, and there is certainly no one in Harrison or Lewis Counties and probably none living any where

who resided in that section during the Revolution and were of sufficient age to know of the events of that period. A refusal to admit the Claim without additional evidence of service is therefore equivalent to a final rejection of the Claim.

If I am correctly informed a Claim of the same character has been admitted without additional evidence of service being filed, and where no suit was instituted and consequently no nonsuit entered. If such was the case the restoration must have been made upon the ground that the Office acted improperly in suspending the pension. I refer to the Claim of heirs of Purnell Houston, who was a pensioner of Monongalia County Va.

If a full investigation is made of all the circumstances connected with the suspension of these pensions. I believe that all the Claims I have presented will be admitted. That you will decide that the pensioners complied with all the regulations of your office then existing and were properly pensioned, that the sworn testimony of the Pensioners and of impartial witnesses and the opinions of the Judges of Courts of record should not be ignored by reason of reports made by an Agent interested in reporting against them, and statements from others, none of which were made under oath, nor were the originals filed in your office. Even if an impartial Agent had been employed to make the investigations and it was admitted that they were fairly and conscientiously made, I submit that such report were not sufficient to justify the suspensions, that if a similar condition of affairs had existed and the same course pursued by the Government in any other County or Counties in the Country as many inconsistencies or apparent inconsistencies could be found in the different statements of the soldiers as may be found in these claims. the soldiers had reached an advanced age that rendered their memories imperfect - having spent their entire lives on the frontiers they were ignorant and illiterate and were closely questioned by a shrewd Lawyer, who had their former statements in his hands and who was probably prejudiced against them and pecuniarily interested in procuring from them statements that might appear contradictory to their former ones. They were confused and frightened by the suits brought against them, and doubtless many or all believed that they had been improperly pensioned, for they evidently believed, and I can vouch for such a belief still existing among their descendants, that the Pension Laws provided only for those who were actually engaged in fighting the British and not for those who were engaged only against the Indians.

These pensions appear to have been originally suspended mainly by reason of a belief that most of the pensioners of North Western Virginia had not served during the Revolutionary War, but in the Indian Wars after the close of the Revolution. I think this impression an erroneous and improbable one. It will be found by reference to recorded historical events of that period that from early in 1777 to the close of the Revolution in '83 Indians were constantly committing depredations throughout the whole of Northwestern Virginia and more particularly in Monongalia County from which Harrison and Lewis Counties were formed, that troops were frequently called out and were at almost all times in active service, that the families of nearly all the settler, were, except during the winter, gathered in the forts or blockhouses and the men engaged in defending the forts from attacks, in spying or scouting, and in expeditions against the Indians, such a state of affairs existed that probably every able bodied man residing in the County was at some time in active service. there was no division between Whig and Tory as in other sections, hence the number who performed pensionable services was much greater in proportion to the population than in other sections, The country having been just settled the inhabitants were principally young men, and leading a hardy active life, a large number reached an advanced age and until the passage of the Pension Laws.

After 1783 that section was comparatively quiet, some depredations were committed by the Indians but they were few in comparison with the number that had previously taken place, and but few troops were called out. I refer you to "Withers Chronicles of Border Warfare" a work published at Clarksburg, Harrison Co. Va. and treating of the events in that vicinity during the Indian Wars and "De Haas's History of Western Virginia, "these being the only Histories of North Western Virginia I have any knowledge of.

Very respectfully Your Obt Servt.

(Signed.) Chas. C. Tucker

[After numerous delays by the Pension Office and reminders from Mr. Tucker, the Pension Office wrote on 23 Jan 1866 that the pensions would not be restored unless additional evidence was presented. After a further exchange, the final letter in the file from the Pension Office, dated 10 Jan 1872, reaffirmed the suspension of the pensions as "just and proper."]