

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

Pension Application of Jacob Hartzell R14891                      Margaret Hartzell                      PA  
Transcribed and annotated by C. Leon Harris. Revised 14 Jan 2015.

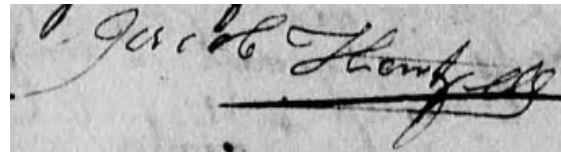
State of Virginia: Preston County Ss.

on this 29<sup>th</sup> day of October in the year 1832 personally appeared before me Benjamin Shaw a Justice of the peace in and for said County Jacob Hartzell resident of said County of Preston and State of Virginia aged Eighty one years who being duly sworn according to law, doth on his oath, make the following declaration in order to obtain the benefit of the act of congress passed 7<sup>th</sup> of June 1832.

That he entered the service of the united States under the following named officers, and served as herein stated. he volunteered and joined the Pennsylvania militia in the month of November in the year 1776 in Philadelphia under Captain William Tizer in Col. Woods Ridgement I remained some time in Philadelphia we then marched to Trenton and joined the main army commanded by General Washington who was retreating from Lord Cornwallis and I was in the battle at Trenton [26 Dec 1776] where General Washington surprised and took a great number of Hessians prisoners and I was in the battle at Princeton [3 Jan 1777] where we had a considerable battle and a number of the British was kiled and we took between two and three hundred prisoners that had taken refuge in the college at that place. we then marched to Morristown where I received my discharge as I had served Six months and my time was up. I received my discharge from Col. Woods some time in the month of may 1777. I served part of said time under Captain Paxton – from the long laps of time I cannot now recollect the names of the other officers that I served under – my discharge has been lost for some time. I was born in ~~Bedford~~ Barks County [probably Berks or possibly Bucks County] in the State of Pennsylvania on the 27<sup>th</sup> of September in the year 1751 which information I obtained from my fathers record of his childrens ages. I lived in the said County of Bedford and Sommerset [sic: Somerset] County Pa since the revolutionary war and I now live in the said County of Preston and State of Virginia – that he has no documentary evidence of his service – and that he knows of no person, whose testimony he can procure who can testify to his service except Daniel Martin [pension application W2401] a soldier of the Revolution and also know a pensioner & resident of said County of Preston in the State of Virginia – he hereby relinquishes every claim whatever to a pension or annuity except the present, and declares that my name is not on the pension roll of the agency of any state.

sworn, and subscribed, the day and year aforesaid.

Benjamin Shaw J.P.

A handwritten signature in dark ink, appearing to read "J. Hartzell", written over a horizontal line. The signature is somewhat cursive and includes a flourish at the end.

[Rev. David Trowbridge and Samuel R. Trowbridge certified Hartzell's honesty and reputation as a soldier of the Revolution.]

[The following report is by US District Attorney Washington G. Singleton who investigated hundreds of pension applicants in present West Virginia. For details see my appendix to the pension application of David W. Sleeth S6111. Singleton wrote "Entitled" on the report.]

Jacob Hartsell draws \$20.

I the undersigned Jacob Hartsell at the requisition of the Secretary of War, give the following narrative of my age and Revolutionary services to Wit – I am of Pennsylvania. was born September 5, 1757 – in the year 1776 I was drafted for 3 months and marched from Sommersett cty on the 9<sup>th</sup> day of November in that year, under Capt Tizer to Philadelphia from there to Trenton. at that place we had a battle. Washington commanded in person, How [sic: William Howe] commanded the British army. – Washingtons army took nine hundred prisoners (Hessians)– the Battle was fought on Christmas night

1776. I was drafted for 3 months as before stated, but I remained in service six months. I left home on the day above stated and was discharged in the succeeding may. – and this is all the service I done. I was not again called on to go into the army & remained in Sommersett county all this time – Jno. P. Byrne wrote wrote my Declaration. In Witness that Statement contains the Truth I hereto subscribe my name, augt. 4 1834

Witness/ S R. Trowbridge

Jacob Hartsell

State of Virginia } Ss

County of Preston }

On this 9<sup>th</sup> day of May 1853 personally appeared before the County Court of Preston County in the State of Virginia, Margaret Hartzell a resident of said County, aged 55 years, who first being duly sworn according to law, doth, on her oath, make the following declaration in order to obtain the benefits of the provision made by the act of Congress passed on the 3<sup>d</sup> February 1853, granting pensions to widows of persons who served during the Revolutionary war: that she is the widow of Jacob Hartzell who was a private in the army of the Revolution in the service of the United States as will more fully appear by reference to the declaration of her said husband filed in the Pension Office, for a pension under the act of Congress passed the 7<sup>th</sup> of June 1832, and the agency at which his pension was paid was at [blank] and that her said husband drew his pension for about one year when it was suspended & stoped by a report of H. G. Singleton Esqr [sic] appointed to examine the pensioners in this part of the State and the said Margaret Hartzell requested the Commissioner of Pensions to reexamine the application of her said husband for a pension as she is satisfied that injustice was done him in the report of said Singleton then Attorney for the Western district of Virginia, and interested in reporting against said claim [see endnote] she further declares that she was married to the said Jacob Hartzell on the [blank] day of December 1814 in Sommerset County Pa that her said husband died on the 24 day of March AD 1839 in said County of Preston she further declares that she has no record of her said marriage. that she was not married to him prior to the second of January 1800 but at the time above stated

Margaret herXmark Hartzell

Pension Office/ Oct 1<sup>st</sup> 1853

Sir, The claim of Mrs. Margaret Hartzell, for a pension as the widow of Jacob Hartzell, is suspended. Her husband was stricken from the pension roll May 1<sup>st</sup> 1835 and was never restored.

If he was living he would not be entitled, as there is no evidence of six months service [sic: see endnote]. His widow cannot be admitted to a pension, unless she can furnish evidence of the service of six months, of her alleged husband. Very Respectfully/ L P Waldo/ Commissioner  
[There were several inquiries afterwards, as noted in the following letter from her attorneys.]

Washington, Decr 18<sup>th</sup> 1857

George C. Whiting, Esqr/ Comr of Pensions.

I have again to call your attention to the claim of Margaret Hartzell, widow of Jacob, Virginia, suspended, Act March 3<sup>d</sup> 1853.

In your letter of the 7<sup>th</sup> April last, you stated a variety of objections to the restoration of the husbands name to the rolls, and the admission of the claim of the widow. I have carefully examined these objections, and they betray such an utter ignorance of the past history of the Pension Office, as well as the Act of June 7<sup>th</sup> 1832, that I am astonished at such a trail of ink, paper and time, upon a case which is so clear when properly understood, and investigated according to the provisions of the act under which it was asserted, and the rules of evidence adopted under said Act.

Jacob Hartzell, in his declaration, asserts that at the age of 25 years, in November 1776, he entered the service from Somerset County Penna. under Captain William Tizer, Col Woods, and was discharged at Morristown New Jersey in May 1777. The pension was allowed at \$20 per annum, in strict accordance with action of the Pension Office.

In the year 1833 or 4 it was discovered that a large number of frauds had been perpetrated upon the Pension Office, by Walmsley and Newlan of Harrison County Virginia [sic: Jonathan Walmsley and Johnson F. Newlon of Lewis County, as well as others]. Their operations were principally in the Counties of Harrison, Randolph and Lewis, and the Secretary of War, directed the U.S. District Attorney for the Western District of Virginia to make an examination. William [sic] G Singleton, Esqr, the District Atty, was furnished with a brief, containing the names, alleged service &c, of all the pensioners residing in the above named counties, with that of several other counties adjoining. This brief I prepared, and am familiar, and have a distinct recollection of the proceedure from the commencement to its termination. Mr Singleton required a statement, (and I think under oath) of each person whose name had been placed on the roll, this when obtained he compared with his brief. If the statement agreed with the original declaration of the party, and other circumstances concurring to satisfy him of the party having served in the War of the Revolution, he forwarded the statement to the Pension Office, that the pensioner was entitled. If there was not an agreement &c the facts were reported to the Office in writing, and in accordance with the opinion of the Dist. Atty, the name was stricken from the roll. I have no recollection of a departure from this course in a single case, but that of Jacob Hartzell. You will see from the papers the almost perfect agreement between the two statements, and Mr Singleton recommended his continuance. But why was he stricken from the rolls? I will inform you, his case fell into the hands of a clerk then in the office, who took the ground that none of the militia served more than three months, and acting upon this erroneous opinion, he caused Hartzell to be stricken from the rolls, when there is now evidence in the Pension Office, that there were militia in service, 6, 9, 12, and 18 months. Levi Hopkins [pension application W11330] who was stricken off at the same time did not ever pretend in his statement to Mr Singleton that he had served 6 months.

Let us look at Hartzell's service. He was called out at the darkest period of our Revolutionary struggle, and though drafted but for three months was detained six. During this service he perilled his life upon the battle field of Trenton and Princeton. The authentic history of the times shewn, that the Pennsylvania Militia were at these points, and the situation of the army under Gen Washington that went into Winter quarters at Morristown in 1776. 7 [sic: see endnote], required that both regulars and militia should be detained in service beyond the period of their engagements.

We now enclose the testimony of Bedwell Parnell, who knew Hartzell more more than forty years, during which acquaintance Hartzell acted as a Justice of the Peace for more more than 20 years in Somerset County Penna. the County from which he entered the army. William Rush, a son of Jacob Rush [W11195], who lived and died in Somerset County, and who was a pensioner, testifies that he is now 73 years of age, and that he knew Hartzell from his boyhood, that he was a man of character, having served as a Justice of the peace for more than 20 years, and was always reputed as a soldier of the Revolution, and that he often heard his Father say that they were in the service together. And the ground assumed by the office for the refusal to reinstate Hartzell is, that he never made any effort for his restoration during his life. No man who is acquainted with the geography of this country would urge such an objection. He had removed from Somerset County Penna to that of Preston County Virginia, a wild, mountainous, and sparcely settled region of Country, and there was probably not an individual in the County that had any personal knowledge of his services; and as he was between 80 and 90 years of age when stricken from the roll, it is hardly to be supposed that he had either the energy of mind or body to seek his restoration.

As the only reparation that can now be made for the rank injustice which was meeted out to a Revolutionary patriot who perilled his life, to secure the blessings which we now enjoy, is to give the aged widow, who is now in penury, a small pittance to which she is legally entitled to smooth her passage to the grave.

Very respectfully/ Evans & Sharettts.

#### NOTES:

On 14 May 1832 Jacob Hartzell was issued a pension certificate for \$20 per year. A note in the file states that he was struck from the pension roll as explained in a letter dated 5 May 1835 to his agent, John P. Byrne. On 23 Nov 1835 the Pension Commissioner, James L. Edwards, wrote to Byrne that "it is

evident from the principal facts set forth in his declaration that he could not have served six months, the period required by the act of June 7 1832 to entitle anyone to a Pension.” This decision is contrary to the regulations approved by Edwards himself, according to which the applicant’s statement on oath and the certificates of two neighbors of his honesty and reputation as a soldier were to be considered proof of militia service unless contradicted by other evidence.

Margaret Hartzell’s statement that Singleton was “interested in reporting against said claim” reflects a common but unsupported suspicion that Singleton received a reward for every claim he rejected. In this case, of course, Singleton was not responsible for rejecting the claim.

On 10 March 1855 Margaret Hartzell, 58, successfully applied for bounty land, which required only that her husband had served at least 14 days. She stated that her name before marriage was Margaret Smith, that the marriage occurred at or near the town of Somerset, and that they had six children. The file contains a copy of the record of the marriage performed on 18 Dec 1814.

Washington’s headquarters in the winter of 1776-77 was at Valley Forge. Morristown was his headquarters in the winter of 1779-80.

On 14 Jan 1858 Margaret Hartzell sent to the Senate and House of Representatives a petition for a pension in phrases similar to those in the letter from Evans and Sharets. A letter in the file indicates that the file was sent to the House Committee on Revolutionary Pensions on 26 Jan 1858 for consideration. There is nothing in the file to indicate that the petition was acted upon.

The file contains the oath of loyalty to the USA signed by Margaret Hartzell on 11 Oct 1862 when Preston County was still in Virginia.