

Pension Application for Abraham L. Witbeck

S.14866

Declaration, In order to obtain the benefit of the Act of Congress of the 7th of June 1832.

State of New York

County of Albany SS

On this 24th day of December 1833 personally appeared in open Court before the Justices Court of the City of Albany now in session Abraham L. Witbeck farmer, a resident of the Town of Watervliet in the County of Albany and State of New York, aged eighty one years on the 8th day of February last past, who being first duly sworn according to law, doth on his oath make the following declaration in order to obtain the benefit of the provision made by the Act of Congress, passed June 7th 1832.

That this declarant enlisted as a volunteer in the army of the United States in the winter of the year 1775 in the company commanded by Captain Henry Oothout and served in Colonel Philip P. Schuyler's Regiment (the number of which Regiment this declarant does not recollect) of the Militia as a militia private—that in the year last aforesaid this declarant marched under the command of General Philip Schuyler accompanied by General Abraham Ten Broeck to the residence of Sir John Johnson (now in the county of Montgomery and State aforesaid) where this declarant and his company were detained some time while Sir John Johnson and the said Generals Philip Schuyler and Abraham Ten Broeck were settling the terms on which the adherents of Sir John Johnson were to be disarmed and dispersed, and on the said adherents giving up their arms (which were taken possession of by the said militia & put into sleighs to be carried to Albany) the militia (including this declarant) returned to Albany with the muskets and some grasshoppers and small field pieces so as above taken from said Sir John and his adherents—the said Sir John then being as this declarant understood placed at liberty on his parole of honor not to pursue any hostile measures towards the Americans.

That this declarant served from the commencement to the end of the above march as such militia private for a period of not less than two weeks. That this declarant by reason of old age and the consequent loss of memory cannot swear more positively than above stated as to the precise length of the last mentioned service, but he is certain that it was for the full period of fourteen days or more.

That this declarant afterwards and sometime in the autumn of the year 1776 (but at what period of said autumn he cannot recollect) was ordered out as a militia private under the command of said Captain Henry Oothout in the Regiment commanded by Colonel Philip P. Schuyler aforesaid on a march to the then settlement of Schoharie (now in the County of Schoharie and State aforesaid) and was with his company stationed out at a church then called the lower fort to prevent Tories and Indians from committing depredations, and that when this declarant was dismissed and returned home from this march he had served as such private for the full period of one month and twelve days or more. That this declarant by reason of old age and consequent loss of memory cannot swear more positively than last above stated as to

the precise length of the last mentioned service, but he is certain it was for the full period of one month and twelve days or more.

That afterwards in the fall of the same year 1776 (according to this declarant's best recollection) this declarant was again ordered out as a militia private either under the command of said Captain Henry Oothout or under Captain Levinus Lansing (but this declarant thinks under the said Captain Henry Oothout) and under Lieutenant Jacob Lansing and in the Regiment commanded by said Colonel Philip P. Schuyler, and this declarant then marched to Lake George (now in the County of Warren and State aforesaid) and lay there encamped until he was dismissed and returned home. That during this last mentioned march this declarant was in service for a period of at least one month and twenty six days—that this declarant by reason of old age and the consequent loss of memory can not swear more positively than above stated as to the precise length of the last mentioned service, but he is certain that it was for the full period of one month and twenty six days or more. That the garrison of Fort George was then commanded by Colonel Peter Gansevoort of Albany according to the best recollection and belief of this declarant.

That afterwards I the year 1777, and sometime in the summer and before the harvest time in that year but at what particular period this declarant cannot state more precisely, this declarant was again ordered out as a militia private under the command of said Captain Henry Oothout in the Regiment of Colonel Philip P. Schuyler aforesaid and marched to Saratoga (near the place where General Burgoyne was subsequently captured, but on the East side of the Hudson River at a place then call the Little Falls) where he lay some time encamped and was employed in guarding stores and provisions.

That during this service, and when at Little Falls aforesaid, a quarrel occurred believes said Captain Henry Oothout and Lieutenant Peter Van Bergen, which might have proved serious but for the timely interference of this declarant and his fellow soldiers. That during this last mentioned march this declarant was in actual service for period of at least one month and nineteen days or more. This declarant on account of old age and the consequence loss of memory cannot state that period of this last mentioned service more precisely, but he is certain that it was for the full period of one month and nineteen days or more.

That afterwards in the same year 1777, never having come that Burgoyne had taken Ticonderoga and was coming down from the North with his army, this declarant was again ordered out as a militia private under the command of Captain Leninus Lansing in the Regiment commanded by Colonel Philip O. Schuyler aforesaid and marched to Fort Ann (now in Washington County and State aforesaid). General Abraham Ten Broeck commanded the militia at that time.

While at Fort Ann, Henry Van Rensselaer, (the father of General Solomon VanRensselaer, the present postmaster of Albany City) was wounded in his thigh in a skirmish. The militia being somewhat scattered retreated South to Fort Edward to collect in greater force. General Philip Schuyler, who then commanded the army both Continentals and militia, ordered waggons [wagons] to go to Fort George and bring the

ammunition and stores from Fort George to Fort Edward, which was done, the army retreated to Saratoga, south of where the battle was fought. News then came that the Indians were attacking General Gansevoort at Fort Stanwix. General Schuyler sent reinforcement there—and this declarant returned home, having been during this last mentioned march in actual service for a period of full one month or more, the precise length of which service he cannot state more positively on account of old age and consequent loss of memory.

This declarant immediately afterwards heard that General Gates had the command to oppose Burgoyne, and after the first battle of Saratoga was fought, this declarant marched to Bemis' Heights on the west side of the Hudson River under said Captain Levinus Lansing and Colonel Philip P. Schuyler. General Gates had thrown up a breastwork of earth from the river to the heights. On the heights there were three parallel breastworks and when the second battle was fought the militia including this declarant were stationed in the most Northerly breastwork ready to be called into action as a reinforcement. While there a Major came riding out of the woods from the scene of action. Colonel Philip P. Schuyler asked "what new." The reply was "Our colours, thank God, are on their breastwork". Declarant heard that the British General Frazer was killed that day.

The next morning, General Gates ordered said Colonel Philip P. Schuyler and his men to take possession of the lower breastwork (near the river) aforesaid. Gates said to said Schuyler in the hearing of this declarant, "I deliver this breastwork to you—you must not give it up till the last man falls". Gates repeated these words, or words of the same meaning, three times, and said Colonel Schuyler each time replied "Yes, sir" or "yes, General."

After the militia including this declarant had been at this breastwork about an hour, an officer came and desired said Colonel Schuyler to advance from said breastwork as a reinforcement. The said Colonel Schuyler refused on account of General Gates order aforesaid. The said officer then applied to General Gates who granted permission for said militia to take two cannon, leave said breastwork and to advance towards the British. The militia including said declarant then advanced till they came in sight of the enemy, when said militia were drawn up on the flat land between the river and the hill, and commenced firing upon the British with the said two cannon. The British immediately returned the fire with cannon, and said militia were ordered for safety to lie down, nearly flat on the ground. While lying in that situation Major Abraham Fonda of said Schuyler's Regiment (then about five or six paces from this declarant) was wounded in the calf of his leg. The militia including this declarant then retreated about ten or fifteen rods to get behind a small hillock or rise of ground to protect them from the cannon shot, where they remained until about an hour before sunset, when said two cannon with the men who served them were ordered to advance and attack the British bridge of boats a short distance above—

That night it rained steadily, and when the morning came, the British had retreated during the night -- the men of General Gates were anxious to pursue them—Gates said that the moment the rain was over he would let them, and that if they went

during the rain, their arms and powder might get wet, while the British were undoubtedly encamped safe from the rain.

The militia including this declarant accordingly remained encamped where they were at that time, and soon after news came that Burgoyne himself occupied the house of Peter Lansing, and that General Stark had crossed the river and fired on the enemy from the East side of said river.—

That this declarant was employed in actual service during this last mentioned march for a period of at least two and a half months until Burgoyne surrendered when this declarant was dismissed and returned home. That by reason of old age and consequent loss of memory this declarant cannot state the precise period of said last mentioned service more positively, but he is certain that it was for the full period of two and a half months, or more.

That afterwards in the year 1778 (but at what time in that year this declarant cannot recollect) this declarant was again ordered out as a militia private under the command of said Captain Levinus Lansing in the Regiment Commanded by Colonel Philip P. Schuyler aforesaid and marched to Schoharie aforesaid to guard against the Indians and Tories, and was stationed at the lower fort or church there, and was employed in actual service as such private during said last mentioned march for the full period of one month and full days or more, which period this declarant cannot state more precisely on account of old age and consequent loss of memory.

That in the same year 1778 (but at what particular time in said year this declarant cannot recollect) this declarant was again ordered out as a militia private under the command of said Captain Levinus Lansing and Lieutenant Jacob Lansing in the Regiment aforesaid and marched to fort Hunter, near where Schoharie Creek empties into the Mohawk River, land was employed in actual service during this last mentioned march as such private for the full period of two months or more, which period this declarant cannot state, more precisely on account of old age and consequent loss of memory.

That afterwards in the year 1779 (but at what particular time in said year this declarant cannot recollect) this declarant was again ordered out as a militia private under the command of said Captain Levinus Lansing in the Regiment aforesaid and marched to Caughnawaga (now in Montgomery County and State aforesaid) and was employed in actual service as such private during this last mentioned march for the full period of one month or more, which period this declarant cannot state more precisely on account of old age and consequent loss of memory.

That this declarant during each and all the periods of service above specified was not employed in any civil pursuit, but only as such private as aforesaid.

That this declarant never received any regular commission or discharge from the army—that during each and all of the periods of service above specified he served as a volunteer private as aforesaid.

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That Winant Vandenburgh of the Town and County and State aforesaid a revolutionary pensioner of the United States, was, during some of the periods of service above set forth, a soldier in the militia of the United States together with this declarant—and that the affidavit of said Winant in relation to this declarant's service at several periods above specified as a militia private as aforesaid is subjoined to this declaration.

And this declarant being interrogated by the said Court as follows—"Where and in what year were you born?" answers to such interrogatory being duly sworn as aforesaid—that he was born in the city of Albany on the eighth day of February one thousand seven hundred and fifty two, according to the information given to him by his parents, which information he verily believes.

And this declarant being further interrogated by the said Court—"Have you any record of your age, and if so, where is it?" Answers to this interrogatory - that he has a record copied by him about the year 1802 from an old bible, the entry in which he believes was made by his father—the said copy is now in declarant's possession - the original this declarant thinks may be in existence, but he does not know where.

And this declarant being further interrogated by the said Court "Where were you living when called into service, where have you lived since the revolutionary war and where do you now live?" - answers-in said town of Watervliet in said county of Albany since before the commencement of the Revolutionary War to the present time.

And this declarant being further interrogated by said Court "How were you called into service, were you drafted, did you volunteer, or were you a substitute? And if a substitute, for whom?" answers that he was not drafted, but always served as a volunteer, and was not a substitute.

And this declarant being further interrogated by said Court "State the names of some of the regular officers who were with the troops where you served; such continental and militia regiments as you can recollect and the general circumstances of your service" - answers the remembers General Peter Gansevoort at Lake George, General Gates, General Benedict Arnold and General or Colonel Morgan (of the riflemen) at Saratoga - also he saw at Saratoga General Stark - that Colonel Goose VanSchaick and Colonel or Captain John J. Wendell were at Fort Hunter - Colonel or Captain John H. Wendell were at Fort Hunter - Colonel or Captain John H. Wendell were at Fort Hunter - Colonel Henry Van Rensselaer had a regiment of militia at Fort Ann; - that said VanSchaick and Wendell commanded Continentals - that the general circumstances of his declarant's service as far as he can distinctly recollect them are set forth in the preceding part of this declaration.

And this declarant being further interrogated by said Court "Did you ever receive a discharge from the service, and if so, by whom was it given and what has become of it?" answers, that he always volunteered and served till dismissed by his officers, but that he never received any written discharge.

And this declarant being further interrogated by said court "State the names of persons to whom you are known in your character for veracity and their belief of your services as a soldier of the revolution, answers, the Rev. Robert Bronk, William Roff,

Henry Vanelinda, Martin Van Olinda, Francis Lansing, Abraham G. Lansing, Stephen Groesback, and Cornelius W. Groesbeck.

This declarant hereby relinquishes every claim whatever to a pension or annuity except the present, and he declares that his name is not on the Pension Roll of any agency in any state. (Signed) Abraham L. Witbeck.