

Southern Campaigns American Revolution Pension Statements and Rosters

Pension Application of Purnell Houston S15467

DE PA

Transcribed and annotated by C. Leon Harris.

[Punctuation partly corrected.]

State of Virginia } ss
county of Monongalia }

On this 22^d day of October, in the year 1832, personally appeared in open court, before the County court of Monongalia, now sitting Purnell Houston, a resident of said county, aged seventy eight years, who being first 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 June 7th 1832.

That he served two months within the months of April May and June 1776 in the militia of the state of Delaware – that either Congress or the state authority, he knows not which, authorised two companies of volunteers to be raised to guard the Delaware bay – that as soon as the ro-galies [sic: row galleys] were brought into the Bay we were discharged at Hazzard’s fathers, about fifteen miles from the capes after having served two months as above stated – that this discharge he beleives was lost in his house destroyed by fire in 1811.

That about the first of November 1776 he volunteered in Philadelphia in a company of Pennsylvania militia commanded by Capt. Chambers (who was a stone-cutter, living in Arch or Race street in Philadelphia) and attached to Gen’l Cadwalladers [sic: John Cadwalader’s] brigade – that these troops were raised to against the enemy, who was over running New Jersey – that in the latter part of November or first of December we marched and encamped near Trenton, on the opposite side of the [Delaware] river, the enemy being in possession of Trenton – that on Christmas-eve [sic] we crossed over to Trenton where our troops took 900 Hessians [26 Dec 1776] – that next day we marched eight or ten miles further into Jersey and encamped at a place he beleives called Black bird, where we remained untill the first week in January 1777, when we marched back to Trenton where we had a severe cannonading, the enemy on one side of a creek [Assumpink Creek] and we on the other – the enemy tried to get possession of a bridge, which we kept untill dark – during the night we marched to Princeton leaving a number of our men at Trenton keeping up our fires to deceive the enemy – we reached Princeton about daylight, where we attackted the enemy that had remained at Princeton and defeated them [3 Jan 1777] – from Princeton we marched the same night to Somerset courthouse, next day to Pluckamin [sic: Pluckemin], next day to Morristown into winter quarters – that about the last of March Chambers’ company marched back to Philadelphia where he was discharged in market street, which discharge he beleives was lost as above stated, being in this service near five months [sic] –

That in April 1777 he went out in Col. Blands [Theodorick Bland’s] regiment of Virginia light horse to serve for two months – that he immediately went back to Morristown where he was employed in repairing the saddles of the troopers – that at the end of two months he was discharged by Bland with a pass written on the back of it, which he supposes was lost as above stated. [See endnote.]

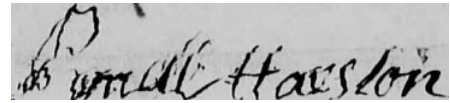
That in July 1777 he went across to Egg harbour from Philadelphia and went on board of a brig going round to Boston – that near Cape cod we were taken by a British vessel, taken to Rhode Island, and put on board of a prison ship where he was kept eight or nine weeks, when he was exchanged – from the prison ship he went to New London and entered on board of a Brig in the United States service (sometime he thinks in October 1777) for a cruise of six months, that before the vessel sailed which was about the last of November, he took the prison ship fever and was left at New London, where he remained untill the vessel returned in the spring of 1778 – that in September 1778 he returned to Philadelphia.

That he knows of no person by whom he could prove his service – that he was born at Sussex county in the state of Delaware on the first of February AD 1755. That after the Revolutionary war he

resided in Sussex and Kent counties in the said state until he removed to the county of Monongalia aforesaid forty two years ago, that the record of his age in his fathers bible in the possession of his sister Carlile in the said Sussex county, that Rev'd. Joseph A Shackelford, Capt John Evans, Col Dudley Evans, Col. Ralph Berkshire, Col. Richard Watts, and all the respectable persons who have been long resident of his neighbourhood are personally acquainted with him, and any one of them can testify as to his character for veracity and their belief of his services as a soldier of the Revolution.

That he hereby relinquishes every claim whatever to a pension or annuity except the present, and declares that his name is not on the pension roll of the agency of any state.

Sworn to, and subscribed, the day and year aforesaid



We Joseph A. Shackelford, a clergyman residing at Morgantown in said county aged fifty four years, and John Evans jun'r. residing in the same county, aged sixty four years, do hereby certify, that we have been well acquainted with Purnell Houston, who has subscribed and sworn to the foregoing declaration in our presence, that we believe him to be seventy eight years of age, that he is reputed and believed in the neighbourhood where he resides to have been a soldier of the Revolution, and that we concur in that opinion – and we do further certify that the said Purnell is a man of good character and undoubted veracity – Sworn to and subscribed on the day and year aforesaid.

[signed] J A Shackelford

[signed] J Evans jr

[Certified by Thomas P. Ray as Clerk of Monongalia County.]

Morgantown 31st Dec 1832

Hon Lewis Cass Sec. of War

I enclose you the declaration of John Wells [pension application S6351] and Purnell Houston – they would have been sent on some time since, but I had written to persons in Maryland & Delaware under the expectation of finding some of the companions of these old men – we can hear of none. I have known them both for twenty years. they are respectable men and both members of a church for many years. I am resp't'y Yours Thos. P. Ray

[On 14 May 1833 Houston was issued a certificate for a pension of \$28.33 for 8½ months of service.]

[The following report is by US District Attorney Washington G. Singleton who investigated hundreds of pension applications from present West Virginia. For details see my appendix to the pension application of David W. Sleeth S6111. A second copy of this report dated 7 Dec 1835 includes the following:

Purnell Houston Pen/ Monongalia cty/ Fraud

Certificate returned & [illegible word] with Security for the money with Interest—

Purnell Houston – alleges to have served 8 mo 15 days.]

Purnell Houston – draws \$28 ³³/₁₀₀

I the undersigned Purnell Houston at the requisition of the Secretary of War, give the following statement of my age & Revolutionary Service to Wit – I shall be 80 yrs old the first day of February next. in the year 1776 in the month of February my apprenticeship having terminated in Philadelphia I went to Sussex County Delaware, and in March 1776 I volunteered for two months under Capt John Hazzard and marched near the capes of Delaware, near which the British Ships lay, (the Robuck [sic: *Roebuck*] & Liverpool) there were about thirty men under Capt Hazzard. I served the two months time & returned to Philadelphia

in July in the same year on the first of November 1776 I volunteered under Capt. Chambers in Philadelphia, and late in November or early in December in the same year marched to Trenton New Jersey and got up just at the close of the engagement in which the British army was defeated and about nine hundred Hessian prisoners taken. this battle was fought on Christmas eve. several companies marched from Pennsylvania under Genl. Cadwalader, after the Battle was over my company was

incamped at a place called Black burd seven or eight miles from Trenton – on the first day of Jany 1777 we had orders to march at a minutes warning, as called to Trenton again on the morning of the second Jany the alarm gun was fired, we were paraded and the two armies were cannonadeing until late at night, after night Gen'l. Washington took up the line of March for Princeton. attacked the British army killed many, and took a good many Prissoners. I was in the engagement – the american army went on to Sommerset Court House thence to Pluckamin Jer and thence to Morristown and went into Winter quarters and in the last of February or early in March I was discharged & returned in Philadelphia having been in service in this tour at least 3 months. [See endnote.]

In June 1777 an agent of Col. Blands of the Virginia Cavalry applied to Young, a Saddler in Philadelphia, with whom I had served my apprenticeship and learnt the trade to go with the troops of cavalry to Morristown. my old Master Young employed me and I accordingly went to Morristown and was there two months repairing the saddles and Bridles of the Trops and received from Young the price agreed upon for my services.

In June 1777 my old Master Young fitted out a vessel with cargo of shingles and flour from Philadelphia to Boston. I went on board as one of the hand. the cargo was delivered & sold at Boston – on the return of the vessel to Philadelphia she was captured by the Unicon [sic: *Unicorn*] a british vessel, and the crew includeing myself were prissoners 8 or 9 weeks. After we were exchanged I entered aboard a privateer Brig (dont recollect her name). Shortly after my entrance I was taken sick. the Privateer sailed & left me. this was about two weeks after my entrance, and thus ended my Services in the war of the Revolution. Thos. P. Ray wrote my Declaration. I said nothing to him about being employed and paid by Young, for services in Col. Blands Calvelry.

In Witness that the forgoing statement contains the truth I hereto subscribed my name. Nov. 1 1834
Witness/ Jos. D. Hill

Purnell hisXmark Houston

Note. Mr. Ray wrote this declaration. from the old mans statement it is manifest that the imposture is in no way attributable to Mr. Ray – the [pension] certificate is returned and bond & security given for the money with Interest.

W. G Singleton/ Nov 29 1834

[The following letter to James L. Edwards, Commissioner of Pensions, from Nathan Goff, Assistant US Marshall, refers to a letter from Thomas P. Ray not found in the file, but probably inquiring why Houston and others were being prosecuted for fraud.]

Clarksburg May 13th 1835

J L Edwards/ Com's of Pensions

I now will give you all the information I am in possession of in relation to those pensioners in Monongalia County mention in Th's. P. Rays letter to you of last month. In the first place I would state that I were not with Mr Singleton in making the examination of that County.

I am not acquainted with John Verdin [John Burdin (Verdin), pension application S12369] nor do I know anything about his Revolutionary servises. But I am informed that William Hall [W7639] of Monongalia, Testifies to Verdins servises,, I am acquainted with Hall, and here state that every reliance can be placed in any statement he has made, or may hereafter make he is a correct and honest old man.

Evan Morgan [S11098] is an other mentioned in same letter. I know nothing of his Revolutionary Servises, but am personally acquainted with him, and am of the opinion from a knowledge of his character that would not make any untrue statement. I do not know what he is claiming, but feel confident he would not claime a pension for servises never rendered.

Purnal Houston was also mentioned in same letter. I cannot say anything as to his servises, but do believe from what I have heard from his neighbours, that he was entitiled to a pension, that did actual serve more than 6 months, he has always been considered strictly hones & truthful

Th's P. Ray Esqr who is I presume attending to these old mens claims, is the last man in our government who would try to lead you assray, or attempt to practice a fraud on the department – every confidence may be placed in any information or statement he has or may give the department of War

I am yours Respectfully/ Nathan Goff

Clarksburg 4th Nov 1835

Col. J L Edwards Compr of Pensions.

Dr Sir In a conversation with Mr Singleton upon the subject of the claim against Purnell Houston, he desired that I should give you my impressions about the claim and leave to your decision the whole matter. Houston having lived for several years past on the bounty of his son in law, being without any estate and the security in the obligation to Mr. Singleton being a poor man with a large family alone induces me to trouble you again.

Knowing Houston personally for many years and that he was a very worthy man, I could not doubt that his recollection of his services was substantially correct – as to that part of his statement of being employed in Col. Blands reg't. I did not suppose that it was military (his troops being enlisted for at least three years) and I merely stated it to connect the time of his military services, and I did not think or suppose in stating it that it would be regarded as any part of his claim.

Mr. Singleton gives him two months under Capt. Hazzard – four months under Capt. Chambers calculating from his entry into the service, my impression now is that his statement to me was a few weeks longer – as to the services in the vessel of his old master I do not recollect stating it – as to the services in the privateer brig Mr S. supposes he was not entitled. I differed from him for from Houstens statement to me it belonged to the government [see endnote], as upon his being able to leave his quarters some six or seven weeks after the vessel sailed he reported himself to an officer who directed him to go home to recruit his health.

As I shall be in Washington about first of Jan. I will call at your office, & give you such further information as you may desire. I mention this to save you the labour of a reply.

I am very respt'y your ob sr/ Thos. P. Ray

Winchester November 7, 1835

Sir [James L. Edwards]

on my examination of Purnell Houston of Monongalia I believed that he was not entitled to a pension and therefore advised him to surrender his certificate and to give a bond for the amount drawn which he accordingly done, Houston is dead and a suit is now depending against Joseph Hill his son in Law and security in the bond.

at the fall term of the Federal court Thomas P. Ray Esqr. requested me to continue the case and refer the whole matter to you, which I accordingly done. you have herewith Mr. Ray's written statement of his recollection of the narative of service of Houston – and I annex a copy of my examination of him. when you have examined all the papers and decided on the matter please say what shall be done in the premises. Mr. Ray complains that an inocent security will [not?] have the money to pay – Such I think is not the cause – Hill the Security in indemnified. Yours Respectfully/ W. G Singleton

To the Honorable the Senate and House of Representatives of the United States, in Congress assembled:

The prayer of your petitioner, Joseph D. Hill, of Monongalia County, Virginia respectfully sheweth unto your Honorable Body:

That by virtue of the acts of Congress in relation to Revolutionary Soldiers, a certain Pernel Houston of said County obtained a pension for services rendered during he revolutionary war. The declaration, evidence and papers in relation to said pension will be found of record in the Pension Office at Washington City; that said Houston drew his pension for about three years until he had received something upwards of \$90: That in the year 1834, Washington G. Singleton, Esq'r. Attorney for the U. States, came to the home of your petitioner where said Houston then lived, and after conversing with said Houston as to his services in the revolutionary war, stated to him that he was not entitled to a pension, that a portion of the time embraced within his service was not in the actual service of the United States, but a month or two between the time of his entering the service and his actually rendezvousing, ought not to be counted, and that he, said Singleton, as Attorney for the United States, would be under the necessity

of prosecuting him for paying in U. S. Court, unless he, said Houston, would give his note and security for the sum so received as a pensioner; that said Houston, being ignorant of his rights, begged said Singleton to permit him to go to Morgantown to see Thomas P. Ray (who is now deceased) who had attended to procuring said pension, and consult with him in relation to the same: That said Singleton refused to delay, but urged the giving of said note, or, otherwise, he would proceed to prosecute. Said Houston being thus threatened, applied to your petitioner to become his security, and your petitioner being entirely ignorant of the subject, and seeing that said Houston was much disturbed, being then old, infirm, and afflicted with the Palsy, consented to become his security, and said Houston and your petitioner executed their note to said Singleton, for the use of the U. S. for the sum of \$93 Dolls, and 25 cents, bearing date the 1st of November, 1834, and payable some months thereafter.

That in the month of March, 1835 said Houston departed this life; that he had been for several years before almost helpless, without any estate real or personal, and at the time of his death his property was insufficient to defray the expenses of his burial; that your petitioner being the son in law of said Houston, was induced by his relationship, to take him home, there to live: That your petitioner afterwards discovered it was unjust and improper in said Singleton to require payment of said note and declined paying the same, and thereupon suit was instituted in the year 1835 against your petitioner as the security of said Houston, in the United States Court at Clarksburg, a distance of upwards of 40 miles from the residence of your petitioner, and he employed Edgar C. Wilson of Morgantown, Virginia as his attorney to defend said case, and soon thereafter defence was made, and pleas filed setting forth the character of the transaction, and the cause stood ready for hearing, and your petitioner and his witnesses attended, ready for trial; but the case was continued at the instance of the U. States, until sometime in the year 1836, when the Clerk's Office of said Court, with all the papers relative to said case, wer destroyed by fire [arson on 12 Aug 1836], and your petitioner had hoped that no further proceedings would be instituted against him. But in the month of September, in the year 1838, a new writ was issued against your petitioner, and in the year 1840 the Plff. [Plaintiff Singleton] filed his declaration, and in consequence of a change in the time of holding said Court, said Wilson was unable to give his personal attention thereto, and your petitioner was under the necessity of employing G. D. Camden [Gideon D. Camden] Esq'r. of Clarksburgh, as additional counsil, and in the same year pleas in defence were again filed similar to those which had been destroyed; and the true nature of the defence is found in the 3^d 4th and fifth pleas, contained on the 6th and 7th pages of the record of said case accompanying this petition [not found], which pleas are duly verified by your petitioner.

That your petitioner has ever been ready for the trial of said cause and has been in attendance at said court at least some ten or twelve terms since the suit was first instituted, and often with his witnesses, but as often has the cause been continued at the instance of the Attorney for the United States, and never at the instance of your petitioner, which will all appear from said record.

Your petitioner some two years since had hopes that a trial of said cause might soon be had, but within the last 18 months 20 indictments, or more have been found in said Court, which renders it improbable that any trial of this case can be had for at least 5 years to come, and your petitioner is still kept in suspense: That he has already expended in time and money much more than the original debt, and with but a very distant prospect of having his cause tried for years to come. Considering the nature of the claim, being an attempt to enforce the repayment of the pittance granted to a revolutionary soldier by the U. States, and that from a security who never received the slightest consideration therefor, but, on the other hand, was compelled to support his aged & impoverished parent; that if ever there were doubts as to the proper construction of the service of said Houston, yet, without any suppression of the truth, the pension was allowed him; considering also, the great costs and vexation to which your petitioner has been subjected by said suit, and the distant prospect of a trial, and the probable continuing costs and expenses which must fall upon your petitioner, whether he succeeds in said suit or not, – Your petitioner has been advised, as the only remedy, that application be made to your Honorable Body; – He, therefore, respectfully prays an act relieving your petitioner from all liability in consequence of the execution of said obligation for \$93 dolls. & 25 cents; and that the suit now pending in the U. S. Court, held at

[Parts of the following opinion are not transcribed, for brevity.]

Singleton for use of United States }
vs } In debt in the district court of the United States at Clarksburg Va
Joseph D. Hill } This suit was instituted on the 11th of September 1838....

The 6th plea is in the nature of a plea of assett under a peculiar statute of Virginia authorizing a defendant in certain cases, to set up by plea in defence of an action on a sealed instrument [the bond signed by Hill] any matter of fraud, misrepresentation or deception in the manner by which the instrument was procured, and which might be cause of action on his part against the party practising it for the recovery of damages, and authorizes the damages to be recouped against the demand of the plaintiff.

It alleges that the said obligation [bond] was obtained by fraud and misrepresentation practised upon the said Parnell Houston by the plaintiff Singleton in alleging to him that he was not entitled to a pension and that unless he would give his bond for the amount he had received as such, he the plaintiff, would prosecute him for false swearing, and thereby obtaining the execution of said obligation by the said Houston as principal and defendant [Hill] as surety....

The affidavits submitted tend to support the 6th plea and if the same testimony should be submitted to the jury on the trial of the cause and should not be overcome by countervailing testimony on the part of the United States, the result would probably be a verdict for the defendant upon that plea. Whether such countervailing testimony can be had, I am not advised, except it be furnished by the evidence of Mr Singleton former district attorney. He has been summoned as a witness in the cause but has not attended and a subpoena has been issued for him to the next term of the court. What his evidence will be, I am not informed, but I am persuaded that in taking the obligation of those parties, or in his statements, he meditated no fraud upon them. He may have been mistaken in his construction of the act of Congress, and no doubt thought it his duty to require that the amount which had been received by Houston should be refunded. but if so, and if Houston were really entitled to the pension allowed him, the effect of the mistake was the same upon his rights....

It may be observed that under the circumstances of this case, the feelings of the jury would doubtless be strongly in favor of the defendant, and there may naturally be expected a readiness to construe the testimony, in the sense most favorable to the pretensions of the defendant. And after all should the United States succeed in obtaining a verdict there cannot be much doubt that congress would upon a petition to that effect, release the defendant from the judgment and forgive the debt.

I think it not improper to add that I have conversed with the deputy marshall of our court, Mr N. Goff, a most respectable gentleman and who formerly resided in the county of Monongalia and was acquainted with all these parties, upon the subject of this case. He is strongly of the opinion that the claim should not be prosecuted and confirms me in the views and opinions which I have taken up.

Upon the whole case, I am humbly of opinion that the interest and dignity of the United States would be duly respected by abandoning this claim and discontinuing the suit now pending for its recovery. Which is respectfully submitted/ Geo. H. Lee/ Dist. Atty.

[On 27 Sep 1852 Purnell Houston, heir of Purnell Houston, assigned power of attorney to the firm of Evans and Fant to obtain the pension that should have been paid.]

Washington , Oct 21, 1852.

Sir [James E. Heath, then Commissioner of Pensions],

We have filed a power of Attorney authorising us to call of the case of Purnell Houston, dec'd. of Monongalia County, Virginia, who was placed upon the Pension roll under the Act of June 7th 1832, in the year 1833, and stricken from the roll, at the instance of W. G. Singleton, Esq. then U. S. District Attorney.

The records of the Pension Office attest, that the recommendations, of Mr S— were in many instances unjust, and in some cruel, as they have been restored, tho' years have elapsed, and in the mean time have not only suffered pecuniary loss, but have been subjected to the mortification of [being

accused of] having made an attempt to impose on the Government.

As to the case of Mr Houston, he was the near neighbor of the father of Mr Evans And Mr Evans, unhesitatingly states, that a more honest, and upright man, never lived. He reared a large and respectable family, and they are more anxious to have the supposed stain, wiped off the character of their deceased parent, than to obtain any pecuniary benefit.

The papers evidently show six months service, and if the statement in the declaration were taken, aside from statements subsequently made, there should be added the two months connected with Bland's Cavalry. This however is waived, as Mr Houston, shews it was civil employment.

His services in New Jersey, and in strict accordance, with the history of the war, and the hope that justice will be awarded, to a most estimable man, who would never have made a statement that he did not believe to be strictly true. Very respectfully/ Evans & Fant

Pension Office/ April 12, 1853

Gentlemen [Evans and Fant, present]

In reply to your letter relative to the case of Purnell Houston, who was stricken from the Virginia Rolls under the Act of Jun 7, 1832, you are informed, that the action of this Office was based upon the report of the authorized agent of the Department; and that we have no power to direct Houston's name to be restored to the Roll, and the arrears paid to his children. If the claim was a valid one, as stated in your letter, it is a little remarkable that Houston's representatives did not, during the pending of the suit for the recovery of the amount of the note which he gave to the agent of the United States, for the amount improperly to said Houston, produce evidence of it, as they had ample time and opportunity to do.

Very Respectfully/ L P Waldo/ [then] Commissioner

Pentress, Monongalia Co. Va./ July 11, 1859

Sir [George C. Whiting, then Commissioner of Pensions],

Purnell Houston, late a resident of this County, and a pensioner under the act of June 7, 1832, was suspended on the 4th March 1834, and a suit instituted against in the U.S. district Court at Clarksburgh.

His pension was withheld at the same time that the Pensions of Zachariah Piles, Peter Haught [S6981], and George Wade [S7829], were, against all of whom suits were instituted, but the arrears due them from the date to which they were last paid, until the date of their decease have been paid their legal representatives.

Houston died in 1838 or 1839. I transmitted a power of attorney from his son Robt Houston [dated 28 June 1859], authorizing him to act in the premises some time since.

The following is a copy of the records of the Court in the cases of Wade, Haught, and Piles:

“United States Plff }

[illegible] } In Cases

George Wade Deft. }

At a district Court of the United States for the Western District of Virginia, held at Clarksburg, on fryday the 2^d day of April 1852; This day Came the parties by their attorneys, and the district attorney thereupon represented to the Court that he had Examined carefully the law, as well as the facts of this Case, and is of opinion that the cause ought not to be further prosecuted by the Government, and submitted the cause to the inspection of the Court, whereupon the Court upon an Examination of the Law and the facts of the cause, concurs in the opinion of the district attorney and recommends the dismission thereof, and thereupon it is ordered that the said suit be, and the same is hereby dismissed”

Same in the other causes refered to.

I think you will find upon inspection the claim of Houston analogous in all partickulars.

Very Respectfully/ Your obt. servt./ J. V. Boughner

Pentress, Monongalia Co. Virginia/ July 18, 1859

Sir [G. C. Whiting]: Herewith please find abstracts of the opinions of the district atty. and Judge Brockenborough in the suit of the United States agt. Joseph D. Hill, who was the surety of Purnell Houston, late of this County, and at one time a Revolutionary pensioner, payable at the Richmond Agency.

Houston, I believe died in 1839, and after his decease the suit was continued against Hill.

The claim is, in all respects, similar to those of Haught, Piles, and Wade, who were suspended at the same time, and against whom also suits had been instituted.

Very Respectfully/ Your obt. servt./ J. V. Boughner

[The file includes a letter from J. V. Boughner to George C. Whiting dated 8 Aug 1859, which rebuts the statement that Houston's giving his bond was an admission that he was not entitled to a pension, and that the suit against Hill was dropped because of the loss of records by fire. (Boughner stated that "a portion of the papers... were destroyed by fire on the 19th day of August 1836.") Boughner added, "It is proper to say that a much abler lawyer than Mr. Singleton was district attorney on the 21st day of April 1852."]

J. M. Cutts esq/ Second Comptroller

Aug 17, 1859 (Copy of letter

Sir The name of Purcell Houston Private, a revolutionary pensioner under the Act of June 7 1832 at the rate of \$28.33 per annum has been restored to the roll at Richmond, Va to commence from date to which he was last paid.

NOTES:

The pension act of 1832 excluded service performed as a civil employee. Houston's two months of service as a saddler was evidently considered such civil employment and not claimed toward a pension, although the discharge from Bland confuses the situation. Houston's time as a deck hand was apparently claimed as military service, although it was apparently civil employment. Since he was held for eight or nine weeks as a prisoner of the British, however, he may have considered himself a combatant. Houston might also have considered his aborted service in the crew of a privateer as military service, since privateers, although privately owned, were authorized by the Continental Congress to seize enemy vessels. It would be unreasonable to expect Houston to know these intricacies of the law. Excluding the ambiguous periods of service, the actual service represented in Houston's original declaration was almost seven months, which is more than the six months minimum required under the 1832 act.

According to Singleton's report, Houston stated that he served six months plus or minus a few days: two months plus "at least three months" from the "first of November 1776" to the "last of February or early in March." Singleton's charge of fraud hangs on these few days more or less than six months.

On 22 June 1835 Thomas P. Ray wrote to Singleton as follows: "I have had some correspondence with Mr Edwards urging him to reverse your decision against Houston - I feel more anxious now as his security, who has a large family will be much put to it to pay the bond, and indeed it would be a hard case when he had supported the old man almost entirely for some years past. Your decision was wrong in this case, but it is now too late. he has gone to the last repository." This letter is among the Washington G. Singleton papers, 171 WFCHS, Stewart Bell Jr Archives, Handley Regional Library, Winchester VA.

Not all the 85 pages in Houston's file are transcribed here.