

MARGARET A. SPENCER.

APRIL 8, 1880.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. WHITEAKER, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 428.]

*The Committee on Revolutionary Pensions and War of 1812, to whom was referred the bill (H. R. 428) granting a pension to Margaret A. Spencer, widow of Chester Root, captain of the Third Regiment of Artillery, United States Army, war of 1812, having had the same under consideration, respectfully submit the following report:*

It is in evidence from information obtained from the office of the Adjutant-General, United States Army, that the said Chester Root was confirmed by the Senate as second lieutenant Third Artillery, April 25, 1812; that he was commissioned as such to rank from July 6, 1812, and promoted first lieutenant March 13, 1813, and that he was retained in the reorganization of 1815 as first lieutenant Corps of Artillery, with rank from March 13, 1813; promoted captain March 5, 1819, and disbanded in June, 1821.

As the widow of said officer, which fact is established by competent testimony, she would, under existing laws of the United States, be entitled to a pension. But it is also in evidence that after the death of the said Chester Root, which occurred at Mobile, Ala., in the year 1854, she was again married, to wit, on or about the 3d day of October, 1855, to Richard Spencer, formerly a member of Congress from the State of Maryland.

It is in evidence from the affidavit of the claimant that upon the death of her second husband, Richard Spencer, which occurred in the year 1868, she was left in very dependent circumstances, and is now aged, infirm, childless, and without means of support.

It is also in evidence, from the affidavit of Hon. Patrick Byrns, who was probate judge of Baldwin County, Alabama, from the year 1822 to 1855, that she is the daughter of Capt. Thomas Drum, with whom he states he was personally acquainted, who was massacred by the Indians, at Fort Mims, in the "Creek Indian war," while serving in the line of his duty as an officer of volunteers United States Army. Also that the said Thomas Drum was possessed of considerable wealth in horses, sheep, and cattle, valued at several thousands of dollars, which, together with all of the buildings of his farm, were destroyed during the said Indian war, and for which his heirs have received no compensation.

While on general principles the committee are opposed to legislation of this character, as tending to unduly enlarge and increase the pension-

list, yet, in view of the foregoing facts, of the long service of her first husband, the loss of her father in the Indian war while in the military service of the United States, and the destruction of his entire fortune in said war, for which no remuneration has ever been granted by the government to his heirs, and, also, in view of her age, infirmity, and destitute condition, the committee are of the opinion that she is entitled to relief, and therefore return the bill to the House, and recommend the passage of the same with an amendment.

