44TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 487.

ESTHER P. FOX.

MAY 5, 1876.—Committed to a Committee of the Whole House and ordered to be printed.

Mr. HENDERSON, from the Committee on Revolutionary Pensions and War of 1812, submitted the following

REPORT:

[To accompany bill H. R. 1238.]

The Committee on Revolutionary Pensions and War of 1812, *to whom was referred the bill* (*H. R.* 1238) *entitled "A bill granting a pension to Esther P. Fox," beg leave to report:*

That said committee have carefully considered said bill and the evidence offered in support of the same, and find that Augustus C. Fox was a soldier in the war of 1812; that he enlisted in the service of the United States on or about the 1st of July, 1812, and served in a volunteer corps under command of Captain Chapin until in the month of December, 1812, when he was compelled to relinquish active service by the epidemic. In June, 1813, he again served under said Chapin, then a lieutenant-colonel, as a second lieutenant, and was engaged as such in active service until in August, 1813, when he was detached to command a body of Indians, which he did until in September, 1813, when he was again detached to collect and command another body of Indians, in which last service he continued until the 14th day of November, 1813, when he was honorably discharged, having been ruptured at Four Mile Creek, on the 1st of October, 1813, when in actual service and in the line of his duty.

Your committee further find from the evidence that said Fox died on the 5th day of March, 1848, having received a pension from about the year 1820 until his death; and that said Esther P. Fox was lawfully married to said Augustus C. Fox in the month of February, 1815, and is still his widow.

Your committee further find that said Esther P. Fox made application for a pension, as the widow of said Augustus C. Fox, under the act of February 14, 1871, and that the same was rejected by the Commissioner of Pensions because it did not appear from the evidence that the marriage of said Esther P. Fox took place prior to the 17th day of February, 1815, the date of the treaty of peace with Great Britain. But your committee, on examination of the evidence upon which said claim for a pension was rejected, report that said Esther P. Fox claims that she was married to said Augustus C. Fox on the 15th day of February, 1815, two days before the treaty of peace; and in her application for a pension, as before stated, she swears that she was married on the 15th day of February, 1815. And another witness, Mary Burt, who swears she was present at the wedding, also swears that the marriage was on the

15th day of February, 1815. And, further, your committee find that in the year 1851 said Esther P. Fox made application, as the widow of said Augustus C. Fox, for bounty-land; and that in her said application, she then being only fifty-two years of age, and having no motive whatever to swear falsely as to the date of her marriage, swore that she was married on the 15th day of February, 1815. But a copy of an entry of the date of the marriage in the family Bible of Samuel Pratt, father of said Esther P. Fox, was attached to said application for bounty-land, and proven by the person who made the entry, and it states the marriage to have been on the 19th day of February, 1815; but the affidavit shows that the entry was made many years after the marriage took place, and was made from a newspaper notice of the marriage; and it was because of this entry that the claim for a pension was rejected. Your committee, however, are not satisfied that the marriage did not take place on the 15th of February, as sworn to by said Esther P. Fox in 1851 and again in 1874, and by the said Mary Burt. It is quite as likely that a mistake may have been made in inserting the marriage-notice in the newspaper, or in copying it many years afterward in the Bible, as in the memory of Mrs. Fox as to the date of her own marriage. At all events, the evidence is such as to create a doubt as to the date of the marriage, and your committee feel disposed to give to the widow the benefit of such doubt.

Your committee further report that for twenty years prior to the death of the said Augustus C. Fox he was unable to contribute to the support of his wife and family; and that the said Esther P. Fox was compelled to maintain herself and family, as well as the said Augustus C. Fox, her husband, he, however, getting a pension of $15 a month from the United States.

But, inasmuch as the act of Congress of February 14, 1871, granting pensions to the soldiers of the war of 1812, their widows, &c., made no distinction between the widows of officers and privates as to the amount of pension allowed, your committee recommend that said Esther P. Fox be allowed the sum of $8 a month instead of $15, as provided in said bill; and that the word "fifteen" be stricken out of the ninth line of said bill and the word "eight" inserted in lieu thereof, and with that amendment your committee recommend the passage of the bill.

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