

IN SENATE OF THE UNITED STATES.

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JUNE 4, 1844.

Submitted, and ordered to be printed.

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Mr. ATHERTON made the following

**REPORT :**

[To accompany bill H. R. 37.]

*The Committee on Pensions, to whom was recommitted the bill from the House of Representatives entitled "An act for the relief of Jane McGuire, widow of Thomas McGuire," make the following report :*

The committee see nothing in the additional testimony filed, which consists of a deposition of John McGuire, to induce them to depart from the conclusion contained in their former report. They submit, herewith, a letter from the Commissioner of Pensions, dated August 3, 1842, and recommend the adoption of the following resolution :

*Resolved, That the bill entitled "An act for the relief of Jane McGuire, widow of Thomas McGuire," be indefinitely postponed.*

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PENSION OFFICE, August 3, 1842.

SIR : In the case of Jane McGuire, widow of Thomas McGuire, I make the following report :

The claimant alleges that her husband was draughted in April, 1775, was appointed adjutant, and was afterwards enlisted during the war, and was promoted to the rank of brigade major. The deplorable ignorance of our revolutionary history and of military affairs is very obvious in the few lines the substance of which I have quoted from the declaration. There was no military movement whatever in North Carolina till September, 1775, although great excitement existed in the colony for years before. I do not deem it necessary to make any particular remarks on the very imperfect statements which the witnesses have made, nor is it of any consequence to be particular in stating all the objections arising from a want of circumstantial detail in the papers. The affidavits of Mary McConnell and Matthew Vandimer are exhibited in support of the alleged service.

Mary McConnell states that she knew Major Thomas McGuire during his service in the revolutionary war ; that he served under Colonels Locke and Caldwell ; and that some time during the war he was promoted from the rank of an adjutant to that of a major ; and afterwards went with Captain Nicholas's company on a tour of about two months against the Indians ; and that he served from the beginning to the end of the war.

Matthew Vandimer states that Thomas McGuire was a major under Colonel Caldwell; and that he served with him at Piles's defeat; and that it was the common report that McGuire served during the war. Very little reliance, under any circumstances, can be placed on such vague and indefinite statements. If we could violate all rules for the investigation of claims, so far as to admit such proof, we should be at a loss to determine how long McGuire served, and could not of course allow a pro rata pension. One insuperable difficulty, however, appears to present itself to me. I cannot see how we can admit that there were such persons as Caldwell and McGuire serving as field officers in the North Carolina militia, when neither of their names can be found on the lists, which are perfect for 1775 and 1776; nor can such names be found on any of the North Carolina rolls of regular or irregular troops. It has been a rule ever since 1832 not to allow for service in any case as a commissioned officer, unless it be established by record or documentary evidence, or the testimony of a person who is known to have been a commissioned officer. But for the observance of this rule, the greatest frauds imaginable might have been practised on the department. The witnesses have not only omitted to give the period and duration of each tour of duty, the names and rank of the principal officers with whom the deceased served, but they have not stated distinctly whether he was a major of a regiment, or was a captain or subaltern, and performed the duty of brigade major; and there is an inconsistency in the statement of Mary McConnell, which must impair her testimony, even if it were otherwise unobjectionable. She states that, after McGuire was promoted to the rank of major, he served in Captain Nicholas's company. The proof as to the marriage is not entirely satisfactory. I cannot see how a woman who cannot write her name can retain the recollection of dates so far back as the time when it is alleged the claimant was married. Mary McConnell and Margaret Dobbins both swear that the claimant was married in 1770; and whether they can remember that the wedding was seventy-two years ago is rather doubtful. Their ages should have been inserted in their affidavits.

I have the honor to be, very respectfully, your obedient servant,

J. L. EDWARDS.

HON. JOHN C. SPENCER,  
*Secretary of War.*