

**War, Rev, Pension, JOHN WALLACE W955**

South Carolina

**JOHN WALLACE  
SARAH LOCK**

W955

War, Rev, Pension, JOHN WALLACE W955

10819

Nashville  
Tennessee

**SARAH LOCKE** deceased formerly Widow of **JOHN WALLACE** who was a pensioner under the ACT of and who died on the 15th of November 1804 of in the state of who was a Major Captain and Sergeant in the command by captain regiment commanded Colonel Neal South Carolina three months 19 days Major 7 months 12 days captain three months eleven days adjutant inscribed on the role of Nashville at the rate of \$283.71 per annum to commence on the 4th day of March 1836 and end 3rd March 1839 when she died.

Certificate of pension issued the 17th day of January 1850 and sent to WILEMAN THOMAS, Dumfries, VA payable to **MARY KILLOUGH** as a administratrix for sole use of herself and **JONATHAN WALLACE** and **JOHN MCCARTNEY** only hand XXX recorded by JP Chase clerk book volume 1 page 351

Reported

Letter to WILEMAN THOMAS January 25, 1850 & April 12, 1850.

War, Rev, Pension, JOHN WALLACE W955

WILLIAM F. PERCELL attorney

War, Rev, Pension, JOHN WALLACE W955

State of Tennessee  
Rutherford County

Court October term 1848

On the 2nd day of October eighteen hundred and forty eight personally appeared before the county court for Rutherford County, now in session in the town of Murfreesboro Tennessee, **MARY KILLOUGH** a resident of the county and state aforesaid aged 69 years who after being first duly sworn according to the law doth made on her oath the following declaration in order to obtain the pension due to her late mother Mrs. **SARAH LOCK**, deceased, under an act of Congress passed July 7th 1838 for the benefit of the widows of the officers and soldiers of the war of the Revolution. that she is the administratrix and one of the children of the said **SARAH LOCK**, deceased, who was the Widow of Major **JOHN WALLACE** late in the service of South Carolina and said War of the Revolution and who I have heard served to the end thereof, and who resided in York County in the State of South Carolina during the performance of his service. She, the same **MARY KILLOUGH**, was originally **MARY MCCARTNEY** and intermarried with **SAMUEL KILLOUGH**, and that her mother, the said **SARAH LOCK**, after the death of the said **MCCARTNEY**, intermarried with the said Major **JOHN WALLACE**, and after his death, she intermarried with the said **LOCK**. That she now claims the money which may have been due to her mother at the time of her death, which took place on the 3rd day of March, 1839, for herself and the other children of the said **SARAH LOCK**, and who are and ... the only surviving children of the said **SARAH LOCK**, left at the time of her death, to wit: **JONATHAN WALLACE** and **JOHN MCCARTNEY**, the latter resides in the state of Arkansas, and the former resides in the state of Tennessee.

**MARY KILLOUGH** {her x mark}

Subscribed and sworn to in open court on this 2nd day of October, 1848.

JOHN WOODS, Clerk

State of Tennessee  
Rutherford County

Court October term 1848

I, JOHN WOODS, clerk of the said county court do hereby certify that the above proceedings were this day held by said court, the same being in session in the town of Murfreesboro Tennessee. Given under my hand and the seal of said county in open court. This 2nd October 1848.

JOHN WOODS, Clerk {seal}

War, Rev, Pension, JOHN WALLACE W955

State of Tennessee  
Rutherford County

George A. Sublett and acting Justice of the Peace in and for the county of Rutherford of course said this day personally appeared **SAMUEL KILLOUGH** a soldier of the revolution who after being first duly sworn deposes and says that he was well acquainted with nature **JOHN WALLACE** who was born in the state of Pennsylvania moved to the South Carolina as deponent has understood about the year 1762. This deponent was born in 1763. Dependence father lived in York County South Carolina about 4 miles from Major **WALLACE** they lived neighbors till the war ended the first time deponent remembers of Major **WALLACE** being in the service was at the Battle of Brier Creek near Augusta Georgia he acted as Major and commanded a battalion and that action Colonel WILLIAM BRATTON was his Superior officer. **JAMES WALLACE** was one of his captains. This deponent does not remember what other officers were under Major **WALLACE** this was a town two or three months, has deponent believes, Major **WALLACE** served his tour in the militia. Major **WALLACE** was in another campaign during which he fought the Battle of Eutaw Springs. Major **WALLACE** serve there as Major, Colonel LACY or Colonel BRATTON was the superior officer. Major **WALLACE** was also at the Battle of Kings Mountain. Deponent thinks he served there has a Major. This deponent is not certain but thinks Major **WALLACE** was at the Cowpens and also at the engagement at the Hanging Rock but his memory dull upon this subject.

At Harvest Time 1777 or 1778 Captain HOOK a British officer having under his command a number of British troops came into York County South Carolina and made Proclamation that all who would come to him would take protection should have leave to remain at home by this means he had gathered around him some two or three hundred Tories. The Whigs of York, being somewhat terrified at his Force, retired to North Carolina in Mecklenburg County they got a reinforcement and under the command of Major **JOHN WALLACE** marched to the number of some four hundred men against Captain HOOK between daylight and sunrise this deponent and some others we're going out to reap he hand heard the guns firing and shortly after heard that Major **WALLACE** had commanded and had come suddenly upon Captain HOOK, when not expected, and after killing and wounding some, Captain HOOK being of the killed, took the whole of the British and Tories prisoners. Deponent arrived on the ground in two hours after the battle and saw the troops and prisoners there. Major **WALLACE** was a faithful soldier in the Whig cause in the South and served from the breaking out of the war in South Carolina till it ended. He was constantly and service, being seldom at home for more than a day or two at a time. The war was always hot in York County so that a Whig was safer in camps than at home.

**War, Rev, Pension, JOHN WALLACE W955**

In the year 1789 in the fall of the Year Major **WALLACE** was married to **SARAH MCCARTNEY** this deponent does not remember the exact day deponent went himself for the marriage license and saw them married. They were married at Major **WALLACE**'s house. Deponent saw them united in the bonds of matrimony. The Reverend **JOHN NEWTON** officiated as priest. Major **WALLACE** and wife moved to Tennessee, about the year 1801. Captain **WALLACE** died sometime before Christmas in the year 1804. In the year 1805 his widow married again to **FRANK LOCKE** who died in about one year after their marriage. The Widow has lived in Rutherford County and ever since the death of her said last mentioned husband. **SARAH LOCKE** is now about 83 years of age and has remained a widow since the year 1805 or 1806.

**SAMUEL KILLOUGH**

Subscribed & sworn to before me this twentieth day of November A.D. 1838

**GEORGE A. SUBLETT**  
Justice of the peace for Rutherford County

State of Tennessee  
Rutherford County

I, the undersigned do certify that **SAMUEL KILLOUGH**, who has made the above deposition before me is a respectable citizen of our county, & entitled to full credit in his statements.

Given under my hand November 20, 1838

**GEORGE A. SUBLETT**  
Justice of the peace

**War, Rev, Pension, JOHN WALLACE W955**

State of Tennessee  
Rutherford County

Before me B. W. FARMER one of the Quorum of justices of the county court of said Rutherford County personally appeared **SAMUEL KILLOUGH** who after being first duly sworn deposes and says that he has often been in the possession of **JOHN WALLACE** his Commission Major in the Revolutionary War the commission love Major being signed by the governor of South Carolina he has not scene said Commission in the last 20 years that he remembers.

**SAMUEL KILLOUGH**

Subscribed and sworn to before me this 24th day of November 1838

B. W. FARMER

One of the Quorum of justices of the county court of Rutherford County

State of Tennessee  
Rutherford County

I, B. W. FARMER, justice as above to certify that **SAMUEL KILLOUGH** and **MARY KILLOUGH** who have been deposed as above stated are persons of respectability and veracity.

Given under my hand November 24th 1838

B. W. FARMER Justice & c.

**War, Rev, Pension, JOHN WALLACE W955**

State of Tennessee  
Rutherford County

On this 24th day of November in the year of Our Lord 1838 personally appeared **SARAH LOCKE** resident of the county of Rutherford and the state of Tennessee before me BAILEY W. FARMER one of the Quorum of justices of the county court of said County of Rutherford aged 83 years who being the first to the sworn according to law doth on her oath make the following declaration in order to obtain benefit of the provision of an act of Congress passed July 7th 1838 entitled "AN ACT GRANTING HALF PAY AND PENSIONS TO CERTAIN WIDOWS". That she is the Widow of **JOHN WALLACE** deceased who was a Major in the Revolutionary War. Her husband was a native of Pennsylvania and removed to York County South Carolina before the breaking out of the war. He was upwards of 50 years old when the war broke out. He served as a Major of the militia before the British came into South Carolina served as adjutant in a campaign against the Cherokees - the Indians had been excited to War by the Tories or British. This was about the year 1773. During this campaign they marched from York County to Savannah River and the head of Estanaula River. The colonel was perhaps named NEAL, one of the captains was named **JAMES WALLACE**, a cousin of the to declarant's husband, declarant never heard of they're having an engagement during this campaign. They burned some Indian towns, declarant can not state anything of her own knowledge of the services of her husband. She has heard him in his lifetime speak often of his Services of the battles and wish he was in and of his rank in the war. She has heard him speak of His hardships and toils. He was once taken prisoner by the Tories and put in irons. He was in the battle at the Cowpens at Briar Creek in Georgia had Ramsuer, at GATES' defeat near Camden, at the Skirmish with Captain HOOK in York County.

At one time while Major **WALLACE** was in the service and making a forced march with his troops he met in the night a Tory and not knowing who he was asked who was there. The Tory replied "friend." "Friend to whom?" asked Major **WALLACE**. "Friend to King George!" said the Tory with an oath, upon which Major **WALLACE** shot him down.

Declarant remembers that he was at the Battle of Eutaw Springs and as a skirmish at Fishing Creek in York County. This last was with the Tories. He served as Major in all these engagements, as declarant has been often informed by her husband. She has often seen his commission as Major and she thinks as adjutant. But these commissions are not now to be found. She has no other papers or documents by which she can prove her husband's services.

**War, Rev, Pension, JOHN WALLACE W955**

She further declares that she was married to the said **JOHN WALLACE** on the \_\_\_ day of November in the year 1789, that her husband the aforesaid **JOHN WALLACE** died on the 15th day of November 1904. A short time afterwards she married **FRANK LOCKE** who departed this life in less than two years after said last mentioned marriage. She was not married to said **JOHN WALLACE** prior to his leaving the service, but the marriage took place previous to the first day of January 1794, that is at the time above stated. She has no documents or records by which she can prove her marriage with Major **WALLACE** or of his death.

**SARAH LOCKE** {her mark}

Subscribed and sworn to before me the date above and I do certify that the above declarant is too old & infirm to appear before a court.

B. W. FARMER seal

One of the Quorum of justices of the county court of Rutherford County

**War, Rev, Pension, JOHN WALLACE W955**

To be made at Nashville by JOEL M. SMITH agent for paying pensioners in the Agency of Tennessee.

Recorded in the pension office in book The volume one by

J. P. CHASE, Clerk

**War, Rev, Pension, JOHN WALLACE W955**

Department of the interior  
Claim for military service

I certify that in Conformity with the law of the United States of the 7th of July of 1838, **SARAH LOCKE**, deceased late of Tennessee from Lee Scratch Widow of **JOHN WALLACE** who was a Major, Captain, and adjutant in the revolution, died 15th November 1804, is inscribed on the role of pensioners at the rate of \$283.71 per annum commencing March 4th 1836 and ending March 3rd 1839 when she died.

The amount is due and payable to **MARY KILLOUGH** administrative for the sole use and benefit of herself **JONATHAN WALLACE** and **JOHN MCCARTNEY** only surviving Children of the said **SARAH LOCKE** deceased.

Given at the department of the Interior this 17th day of January 1850.

Examined and countersigned  
Secretary of the Interior  
Commissioner of Pensions

**War, Rev, Pension, JOHN WALLACE W955**

Rev.

Widow & c.

File No. 955

**SARAH LOCKE** formerly  
Widow **JOHN WALLACE**  
Major, Captain, and adjutant Revolutionary War

Act July 7th 1838

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[Arrangement of 1870]

**War, Rev, Pension, JOHN WALLACE W955**

36,9x3

**SARAH LOCKE**

Tennessee

Rejected

See let 19th April 1839 H. YOAKUM

Letter to Hon J. W. BLACKWELL January 29, 1844

Decision of commissioner of Pension confirmed  
see letter 23 June 1849 to W. THOMAS within.

Married after the death of her husband on account of whose service she  
claimed.

Letter to W. F. PURCELL, October 28, 1848  
HON. Y. EWING, June 4, 1849

Act 7 July 1838

**War, Rev, Pension, JOHN WALLACE W955**

State of Tennessee  
Rutherford County

Court May term 1848

To **MARY KILLOUGH** a citizen of Rutherford County

It appearing to the county court now in session, that **SARAH LOCKE** has died, leaving no will and the court being satisfied as to your claim to the administration and you having given bond and qualified by law, and the court having ordered those letters of administration be issued to you.

These are there for to authorize and empower you to take into your possession and control all of the goods, channels, claims and papers of the said intestate, and return a true and perfect inventory if they're about to our County court in 90 days, to collect and pay all debts, and to do and transact all duties in relation to the set estate which lawfully devolved on you as administrative and after having settled up said estate, to deliver the residue thereof to those who by law are entitled.

With this JOHN WOODS Clerk of said cord at office this 1st day of May 1848 and the 72nd year of American independence.

JOHN WOODS, Clerk

**War, Rev, Pension, JOHN WALLACE W955**

I am personally acquainted with JOHN WOOD and know him to be the clerk of the court of Rutherford County Tennessee.

Certificate of clerk

[Wm] WILLIAM F. LINTRY

June 2nd, 1848

War, Rev, Pension, JOHN WALLACE W955

**SARAH LOCK**

Ten-38-10819

April 13, 1850

W. COLES Attention

Col. JAMES L. EDWARDS  
Commissioner of Pensions  
Washington, DC

War, Rev, Pension, JOHN WALLACE W955

Washington April 12th 1850

Sir

In making the memorandum yesterday perhaps it was not sufficiently explicit **MARY KILLOUGH** was the administrative of Sarawak deceased **MARY KILLOUGH** is now dead the question is will the pension be paid to another administrator of Sarawak on the same certificate then reply to this. I wish direct to the pension agent at Nashville Tennessee.

I am with much respect

Your obedient servant

WILEMAN THOMAS

Colonel JAMES L. EDWARDS  
Commissioner

**War, Rev, Pension, JOHN WALLACE W955**

Dumfries VA  
January 21

January 24, 1850

Mr. Cole  
**SARAH LOCK**  
10,818  
VA TE

Col. J. L. EDWARDS  
Commissioner of Pensions  
Washington, DC

**War, Rev, Pension, JOHN WALLACE W955**

Dumfries, Virginia January 19th 1850

Sir

I wish to be informed whether the pension in the case of **SARAH LOCKE** Widow of **JOHN WALLACE** cannot be paid in Washington if it be done with the consent of the administrative who is one of the heirs. It will be convenient to receive their money through the representatives in Congress.

I am with great respect  
Your obedient servant  
WILEMAN THOMAS

J. L. EDWARDS Esquire

War, Rev, Pension, JOHN WALLACE W955

3693

**SARAH LOCKE**

Former widow of **JOHN WALLACE**

Tennessee

No. 1

Allow by Mr. CORNBY after having been submitted to the commission.

**War, Rev, Pension, JOHN WALLACE W955**

State of Tennessee  
Rutherford County

Before me BAILY W. FARMER one of the Quorum of justices of the County Board of Rutherford County for said this day personally appeared **MARY KILLOUGH** aged about 59 years when after being duly sworn deposes and says that she remembers well when **SARAH LOCKE** and her former husband **JOHN WALLACE** were married. The same then the next day after the wedding, which took place in the year 1789, Major **WALLACE** died in November 1804, she married again to **FRANK LOCKE** about 1 year afterwards, who died in same two years after said last mentioned marriage and she has remained a widow ever since.

**MARY KILLOUGH**

Subscribed and sworn two before me this 24th day of November 1838

B. W. FARMER {seal}

One of the Quorum of justices of the county court of Rutherford County

**War, Rev, Pension, JOHN WALLACE W955**

State of Tennessee  
Rutherford County

I, ROBERT S. MORRIS, Clerk of the county court of Rutherford County before said, do hereby certify that BAILEY W. FARMER, who has attested the foregoing declaration made by **SARAH LOCKE**, and the foregoing depositions made by **SAMUEL KILLOUGH** and **MARY KILLOUGH** and certified to the character in veracity of the to latter, is, and was at the time of certifying the same, one of the Quorum of justices of our said County Court, duly elected and qualified, and that the signatures purporting to be his are genuine. And I do further certify that GEORGE A. SUBLETT who has attested the deposition and certified to the character of **SAMUEL KILLOUGH**, is in was at the time of certifying and attesting the same, one of the justices of the peace for our said County, duly elected and qualified, and that the signatures purporting to be his are genuine.

In testimony whereof I have hereunto set my hand and affixed my Seal of office at office this 26th day of November A.D. 1838

ROBERT S. MORRIS, Clerk of this County Court

**War, Rev, Pension, JOHN WALLACE W955**

State of Tennessee  
Rutherford County

To wit

By WILLIAM VINSON chairman of the county court of Rutherford County aforesaid, do hereby certify that ROBERT S. MORRIS who has given the foregoing certificate is, and was at the time of giving the same, Clerk of our said Court duly elected and qualified, that said certificate is in due form and sealed with our County seal. Given under my hand and seal this 26th November ad 1838.

WILLIAM VINSON {seal}  
Chairman of the Rutherford County Court

**War, Rev, Pension, JOHN WALLACE W955**

House of Representatives January 19th

Sir,

The enclosed paper has been handed to me by a gentleman who was employed some years ago - prove the pension to which it refers. He says that through some accident, or mistake, his attention was never given to the enclosed paper until lately. He is uninformed as to whether or not some other agent has been employed and pensions obtained & c. and he requests me to make inquiry.

As Mrs. **LOCKE** is, or was, my constituent, I must request you to inform me what has been done with her application, and oblige.

Respectfully

M. P. GENTRY [MEREDITH POINDEXTER GENTRY]

Honorable J. L. EDWARDS  
commissioner of Pensions

**War, Rev, Pension, JOHN WALLACE W955**

House of Representatives February 18th 1847

Sir,

Please forward to me the papers relating to the application of **SARAH LOCKE** for a mention on account of the services of her former husband **JOHN WALLACE**, during the war of the revolution by a letter addressed by you to The Honorable J. W. **BLACKWELL**, having date 29th January 1844.

I learned that her claim was rejected on the 19th of April 1839 on the grounds that she had married after the death of her husband on account of whose Services she claimed. That restriction was removed by the Act of August 23, 1842, a copy of which and the regulations under it are here with enclosed for her guidance in making a new declaration. As nothing is said in your letter of that date about the insufficiency of proof I was somewhat surprised to find various certifications of proves necessary and references to the sources in your letter to me of the 28th of June 1847 for obtaining those proofs. I was surprised because I inferred from the terms of your letter to Mr. **BLACKWELL** that you had stated the only ground upon which her application had been refused. Please forward to me the papers and statement of the pension to which this is **LOCKE** would be entitled if she can make proof of the surface of her former husband, has claimed in her declaration.

My attention having been drawn to the subject I find it to be my duty to ascertain the nature of her claim and advised the parties interested who are my constituents of the parts of the case to the end that they may obtain whatever under the law they are entitled if entitled to anything.

I will advise them to dispense with any agency in its procurement other than their representative has I am unwilling to cooperate with any of those speculators who hunt up claims from motives of self-interest and who appropriate to themselves most of the proceeds of such claims.

Respectfully yours  
W. P. GENTRY

War, Rev, Pension, JOHN WALLACE W955

MARY KILLOUGH  
JONATHAN WALLACE  
JOHN MCCARTNEY

**War, Rev, Pension, JOHN WALLACE W955**

Department of the interior  
June 23rd 1849

Sir

I herein enclose a copy has a letter to WILEMAN THOMAS of Dumfries Virginia in the case of **SARAH LOCKE**, deceased together with the papers number one and two.

I'm very respectfully  
Your obedient servant

T. EWING, secretary

J. L. EDWARDS Esquire  
commissioner of pensions

**War, Rev, Pension, JOHN WALLACE W955**

Department of the interior  
June 23rd 1849

Sir

I have examined the papers in the case **SARAH LOCKE** deceased formerly widow of **JOHN WALLACE** deceased and an appeal from the decision of the commissioner of Pensions.

Before the claim can be allowed the service should be corroborated by the records of the Comptroller General of South Carolina and the period of marriage should be established by a copy of the marriage license from the clerk's office of York District in the same state.

I am very respectfully  
Your obedient servant

Signed secretary

**WILEMAN THOMAS** Esquire  
Dumfries Virginia

**War, Rev, Pension, JOHN WALLACE W955**

JOSEPH A. BLACK

No. 49

**S. LOCKE** case

**WILEMAN THOMAS** Esquire  
Dumfries, Virginia

War, Rev, Pension, JOHN WALLACE W955

Comptroller General's office  
Columbia South Carolina November 8th 1849

Dear sir

In reply to your favor I have to state that the name of **JOHN WALLACE** is credited with

1<sup>st</sup>

80 Days adjutant in militia in 1779  
70 days Captain in October 1780  
152 days as prisoner as Captain in 1780  
62 days as Major in May 1781  
47 as Major in February 1782 and  
21 as adjutant in February 1779

as certified in Captain HANNAH's pay book. Also a receipt of Colonel W. BRITAIN of one beef in 1781.

2<sup>nd</sup> Being made a prisoner in 96 Dist. war carried to Williamsburg VA & exchanged Empowered **LEWIS D. MARTIN** to receive his indents before WILLIAM XXX from JP 29th July 1785 the pay for duty on said occasion was £61.16.8½ sterling under Colonel ANDERSON's return the signature of these is not good as the other in 1st above

3<sup>rd</sup> £24.4.10¼ sterling for duty as private since the fall of Charleston in for a mayor saddle and hunting shirt lost in militia in 1781 at sign of Augusta no signature but received by L D Martin and probably same man

4<sup>th</sup> 42 days private Horsemen received by self signature bad

5<sup>th</sup> Duty since reduction of commission as Captain £162.4.3¼ per Colonel ANDERSON's return, also for wagon service by order General PICKENS, Two signatures, one pretty good, the other bad.

An official copy of each of the above as suits your man with will be furnished upon receipt of \$5 good money here.

Respectfully  
Your obedient servant  
JAMES A. BLACK

**War, Rev, Pension, JOHN WALLACE W955**

This letter is filed to corroborate the ... of ... as to the marriage that is from beyond a doubt by ... of **SAMUEL KILLOUGH**.

WILEMAN THOMAS  
Attny for

Washington, January 15th 1850

To the secretary of the interior

**War, Rev, Pension, JOHN WALLACE W955**

Pension office  
April 9th 1850

Sir

I have to inform you that the enclosed letter does not state to whom the pension certificate mention was issued . Unless we know the name of the pensioner comma instructions cannot be given to the agent at Nashville.

I am yours very respectfully  
Your obedient servant  
J L Edwards  
Commissioner of Pensions

WILEMAN THOMAS Esquire  
Present

**MARY KILLOUGH** administratrix, now dead, of **SARAH LOCKE** Widow of Captain **JOHN WALLACE** Tennessee claim.

War, Rev, Pension, JOHN WALLACE W955

No. 3693

**SARAH LOCKE** deceased widow of **JOHN WALLACE**, Ten.

Act 7 July 1837

Owed,

3 mo 19 days Major \$ 90.38

7 mo 12 days Capt. \$148.00

3 mo 11 days Adj. \$ 44.88

-----  
\$283.71

Fourth of March 1834 to 3rd of March 1839 the day of her death payable to **MARY KILLOUGH** administrative for the sole use and benefit of herself, **JONATHAN WALLACE**, and **JOHN MCCARTNEY** only surviving children of **SARAH LOCKE** deceased.

WILEMAN THOMAS  
Dumfries, VA

**War, Rev, Pension, JOHN WALLACE W955**

Murfreesboro Tennessee  
November 26th, 1838

Honorable J. L. Edwards

Sir

5 days since I mailed for your office to claim of NANCY WILSON for a pension under the act of 1838. I now send the claim of **SARAH LOCKE** under the same Act. There are two points of importance in these claims viz

NANCY WILSON's claim:

1. Proof of actual marriage.
2. Proof of exact length of the service.

**SARAH LOCKE's** Claim

1. Proof of the exact length of service.
2. Fact of a subsequent marriage.

As to the point of actual marriage at this late. These difficulties occur.

1. The marriage has for the most part occurred in a distant country.
2. The declarant cannot remember who saw the ceremony.
3. Of those that's saw it, often a lapse of 50 years, the greater part are dead.
4. Of the witnesses to the marriage, who have survived, and loss of memory of the fact is frequent.

I presume when the party proves that her marriage with the deceased Soldier was Notorious at the time that they live together for a series of years as husband and wife and perhaps weired a respectable family that for want of better proof in the form of records and eyewitness this will be sufficient. By the decisions of our courts of law this would be sufficient proof of marriage upon an indictment for bigamy or incest. The ... would not then require stronger evidence in a matter of civil concern.

As to the questions of exact length of service it is common that the soldier himself cannot recall to his mind all of the military acts and engagements during war period how then can the Widow who perhaps he has not married till 1793 be expected to do it . For her to relate anything then the scenes that may have known at the time would be nothing more than a fancy sketch.

Nor can the witnesses who have deposed in these cases to clear the exact time I know of no other alternative in such case then for the examining officer to

**War, Rev, Pension, JOHN WALLACE W955**

take the lowest points of time actually proved. This would at least do justice to the government if not to the claimant.

Mrs. **LOCKE** has been married since the death of her first husband **JOHN WALLACE**. The act of Congress says "that in the want of a marriage of such widow said annuity or pension show be discontinued". Rule 2 says "it must be clearly shown that the widow was never afterward married". I conceive that Congress simply intended by this provision two stop the widow's pension under the act as soon as she would marry again, if she did so during it's continuation the words "shall be discontinued" clearly implies this had it intended otherwise. It seems to me Congress would have said "that in the want of the marriage of such widow said annuity or pension shall not be allowed".

But if one Statute May be construed by another we have a parallel case in in the act of 4 July 1836 - Section 3 when Congress say "such widow shall be entitled to receive during the time he may remain unmarried & c." Upon this the apt. established rule six (July 9, 1836) that "the widow must prove they were never afterwards married". Upon which construction Congress passed the Act of March 3rd 1837, giving the Act of 4th July 1836 the construction they first intended.

I have the honor to be ...  
Your obedient servant  
H. YOAKUM

War, Rev, Pension, JOHN WALLACE W955

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Brent R. Brian  
Martha M. Brian  
[BrianMitchellGenealogy@gmail.com](mailto:BrianMitchellGenealogy@gmail.com)