

SERVICE

S. L.

NUMBER

Wallace, John  
Locke, Sarah

W. 955

Former widow

CONTENTS

Multiple horizontal lines for listing contents.

10819. Nashville

# Tennessee

Sarah Locke dec'd

formerly  
Widow of John Wallace

who was a pensioner under the Act of  
and who died on the 15<sup>th</sup> Novem. 1804.

of in the State of  
who was a Major <sup>capt & adyt</sup> in the

commanded by Captain of the

Regt <sup>commanded by Col Neil</sup> in

the <sup>line for</sup>  
3 mo. 19 days Major  
7" 12" Capt.  
3" 11" Adyt.

Inscribed on the Roll of Nashville

at the rate of 283 Dollars 71

Cents per annum, to commence on the 4th day of  
March, 1836. & end 3 March 1839  
when she died.

Certificate of Pension issued the 17<sup>th</sup> day of

Jan 7 1850 and sent to  
William Thomas, Dumfries  
Va.

Payable to Mary Kellaugh  
as a <sup>Total amount</sup> <sup>in</sup> <sup>stratum</sup> \$ for the use  
of herself and

Jonathan Wallace &  
John McCarty <sup>only surviving child</sup>  
[Act July 7, 1833.]

Recorded by J. P. Chase Clerk,

Book D Vol. 1 Page 351

Reported  
Let. to William Thomas  
Jan 25, 1850  
Letter to W. Thomas  
April 12, 1850

Wm H Purcell  
Attorney

State of Tennessee  
Rutherford County Court October Term 1848.

On this second 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 of Tennessee aged sixty nine years, who after being first duly sworn according to Law with make in 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 the 7<sup>th</sup> 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, in said War of the Revolution, and who I have known served to the end thereof, and who resided in York County in said State of South Carolina during the performance of his service. - That the said Mary Killough was originally Mary M<sup>c</sup>Cartney and intermarried with Samuel Killough, and that her mother the said Sarah Lock, after the death of the said M<sup>c</sup>Cartney 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 3<sup>rd</sup> day of March 1839. for herself and the other children of the said Sarah Lock, and who are and were the only surviving children of the said Sarah Lock, left at the time of her death (to wit) for William Wallace and John M<sup>c</sup>Cartney, the latter residing in the State of Arkansas and the former residing in the State of Tennessee

Subscribed and sworn to  
in open Court on this 2<sup>nd</sup>  
day of October 1848.

Mary <sup>her</sup> Killough  
mark

John Woods clk

State of Tennessee

Rutherford County Court October Term 1848

J. 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 2<sup>nd</sup> day of October 1848.

John Woods clk.

State of Tennessee ~ Before me George A.  
Purthorford (county ~ Sublett an acting  
Justice of the peace in & for the County  
of Purthorford aforesaid this day personally  
appeared Samuel Killough, a soldier of the  
revolution, who after being first duly sworn  
deposeth & saith that he was well acquainted  
with Major John Wallau, who was born in the  
State of Pennsylvania, who moved to South  
Carolina, as deponent has understood about the  
year 1762. This deponent was born in 1763.  
Deponent's father lived in York County South Car-  
olina, about four miles from Maj Wallau. They  
lived neighbors till the war ended. The first time  
deponent remembers of Maj. Wallau being in the  
service was at the battle at Prior Creek ~~in~~  
near Augusta, Georgia. He acted as Major, &  
commanded a battalion in that action. Colonel  
Wm. Bratton was his superior officer. James Wallau  
was one of his captains. This deponent does not  
remember what other officers were under Maj Wallau.  
This was a tour of three months, as deponent  
believes, Maj. Wallau served ~~as~~ this tour in the  
Militia. Maj Wallau was in another campaign  
during which was fought the battle of Cataw-  
Springs. Maj Wallau served there as Major,  
Col Lacy or Col. Bratton was the superior  
officer. Maj Wallau was also at the battle  
at King's Mountain. Deponent thinks he  
served there as Major. This deponent is not certain,  
but thinks Maj Wallau was at the Campers 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

British troops, came into York county South Carolina & made proclamation that all who wanted come to him to take protection ~~shall~~ 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 this force retired to North-Carolina; in Mecklinburg county they got a reinforcement, and under the command of Maj John Wallace marched to the number of some four hundred men against Captain Hook. Between day light and sun rise, this deponent, & some others, who were going out to reap, heard the guns firing, and shortly after heard that Maj. Wallace and command, had come suddenly upon Capt. Hook, whom not expected, and after killing & wounding some (Captain Hook being of the killed) took the whole ~~gang~~ of British & Tories prisoners. Deponent arrived on the ground in two hours after the battle, & saw the troops & prisoners there. Maj. Wallace was a faithful soldier in the whig cause in the south, & served from the breaking out of the war in South Carolina till it ended. He was constantly in 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 camp than at home.

In the year 1789, in the fall of that year Maj. 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  
Maj Wallace's house. Deponent saw them  
united in the bands of matrimony. The Rev  
John Croton officiated as priest. Maj  
Wallace & wife moved to Tennessee, about  
the year 1801. Captain ~~Wallace~~ Wallace died  
sometime before Christmas in the year 1804.  
In the year ~~1804~~ 1805 his widow married  
again to Frank Locke, who died in about  
one year after their marriage. The widow  
has lived in Putnerford County since & ever  
since the death of her said last mentioned  
husband. Mrs Sarah Locke is now  
about 83 years of age and has remained  
a widow since the year 1805 or 1806.

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

Geo. A. Sublett  
Justice of the peace  
for Putnerford County

State of Tennessee }  
Putnerford County }

I, the undersigned do certify  
that Samuel Killough, who has made  
the above deposition before me is  
a respectable citizen of our county, &  
witnessed to full credit in his statements  
given under my hand Nov. 20, 1838

Geo. A. Sublett  
Justice of the peace

State of Tennessee } Before me B. W. Farmer  
Puttlesford County } one of the Justices of  
Justices of the County (part of said Puttlesford  
County, personally appeared Samuel Killough  
who after being first duly sworn deposeth &  
saith that he has often seen in the  
possession of Maj John Wallen his commissions  
as ~~captain~~ & Major in the Revolutionary  
war, the Commission of Major being signed  
by the Governor of South Carolina. He has  
not seen said commissions in the last twenty  
years, that he remembers.

Subscribed & sworn to before Saml Killough  
me this 24th day of November  
1838

B. W. Farmer  
one of the Justices of Justices  
of the County (part of  
Puttlesford County.

State of Tennessee }  
Puttlesford County } B. W. Farmer  
Justice as above, do certify that Samuel  
Killough & Mary Killough, who have  
deposed as above stated are persons  
of respectability & veracity.

Given under my hand, November  
24th 1838

B. W. Farmer Justice

State of Tennessee  
Putnam County

On this twenty fourth day  
of November in the year of our Lord one  
thousand eight hundred and thirty  
eight, personally appeared Sarah Locke  
a resident of the county of Putnam  
and state of Tennessee before me  
Bailey W. Garner one of the quorum of  
Justices of the county court of said county  
of Putnam, aged eighty three years, who,  
being first duly sworn and rising to her  
feet on her oath make the following decla-  
ration in order to obtain <sup>benefit</sup> the provision  
of the 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 Wallan 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  
approximately fifty years old when the war  
broke out. He served as Major of the Militia.  
Before the British came into South Carolina  
he served as Adjutant in a campaign against  
the Cherokee - The Indians had been excited  
to war by the Tories or British - This was  
about the year 1743. During this campaign  
they marched from York County to Savannah  
River, & the head of Estanauka river. The Colonel  
was perhaps named Neal; one of the Captains  
was named James Wallan a cousin of declarant's

husband - Declarant never heard of their  
having an engagement during this cam-  
paign. They burnt some Indian Towns.  
Declarant cannot state any thing 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 in which he  
was in, & of his rank in the war. She has  
heard him speak of his hardships & toils.  
He was once taken prisoner by the Tories  
and put in irons. He was in the battle  
at the Campuses, at Pyron Creek in Georgia,  
at Mamsour, at Gates' defeat near  
Camden, at the Skirmish with Captain  
Hask in York County, at one time while  
Major Wallau was in the service and making  
a forced march with his troops - he met,  
in the night a Tory & not knowing who  
he was asked "who was there?" the  
Tory replied "friend." ~~to whom?~~ "Friend to  
whom?" asked Major Wallau, "Friend  
to King George" - said the Tory with  
an oath, upon which Maj Wallau  
shot him down. Declarant remembers  
that he was at the Battle of the  
Elaton Springs - and at a Skirmish  
at Fishing Creek in York County. His  
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, & 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.

She further declares, that she was married  
to the said John Wallan, on the <sup>day of</sup>  
November in the <sup>year</sup> ~~seventeen~~ hundred and  
eighty nine, that her husband, the aforesaid  
John Wallan died on the 15<sup>th</sup> day of  
November 1804 (eighteen hundred & four) in  
a ~~short~~ 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 Wallan prior to his leaving the  
service, but the marriage took place  
previous to the first day of January  
seventeen hundred & ninety four; that  
is, at the time above stated. She has  
no documents or records by which she can  
prove her marriage with Maj Wallan,  
or, of his death.

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

B. W. Farmer  
one of the Jurors of  
Justices of the County  
Court of Northford  
County

Sarah <sup>her</sup> Locke  
mark

Payment to be made  
at Nashville  
by Joel M. Smith  
Agent for paying pension-  
ers, in the Agency of  
Tennessee

3

Recorded in the Pension  
Office, in Book I Vol-  
ume 1 Page by

L. P. Chase Clerk.

Copy

DEPARTMENT OF THE INTERIOR.

Claim for Military Service.

I certify that, in conformity with the law of the United States, of the 7 July 1838, Sarah Locke deceased late of Tennessee, formerly widow of John Wallace, who was a Major, Captain and Adjutant in the Revolution and died 15 November 1804, is entered on the roll of pensioners, at the rate of \$283.<sup>71</sup>/<sub>100</sub> per annum commencing March 4.<sup>th</sup> 1836, and ending March 3.<sup>d</sup> 1839 when she died.

The amount is due & payable to Mary Kellaugh administratrix for the use & benefit of herself Jonathan Wallace, & John McCartney only surviving children of the said Sarah Locke deceased.

Given at the Department of the Interior,

this 17 day of January  
one thousand eight hundred and ~~forty~~ fifty

Examined and }  
Countersigned. }

Secretary of the Interior.

Commissioner of Pensions.

*Recd.*

**WIDOW, &c.**

File No.

*955*

*Sarah Locke Formerly  
Widow*

*John Wallace  
Maj. Capt & Adj. Gen. Va.*

Act:

*July 7<sup>th</sup> 1838*

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*A*

Page

*4410*

36, 9<sup>b</sup>  
: Carak Locke  
Temper

Repetet

Dec let 19<sup>th</sup> April  
1839 H. Yoakum.

let to <sup>My</sup> W. Blackwell

July 29 1844

decision of Court of Passmore  
confirmed, Dec let 23 June 49 to W. Thomas  
withd.

married after the  
death of her husband  
on acct of whom service  
she claimed.

let to W. H. Pinedall Oct 28 '48

How G. Cuning June 4, 49

Act 7 July 1838

STATE OF TENNESSEE—RUTHERFORD COUNTY. *Term, May*

*Term 1848.*  
TO *Mary Kellough*

a citizen of *Rutherford* County;

It appearing to the County Court now in session, that *Sarah Cook* 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 that letters of administration be issued to you:

THESE ARE THEREFORE, to authorize and empower you to take into your possession and control, all the goods, chattels, claims and papers of the said intestate, and return a true and perfect inventory thereof to our County Court in 90 days, to collect and pay all debts, and to do and transact all duties in relation to said estate which lawfully devolve on you as administrator and after having settled up said estate, to deliver the residue thereof to those who by law are entitled.

*John Woods*  
WITNESS, ~~ROBERT MORINS~~, Clerk of said Court, at office, this *1st* day of *May*

1848, and *72<sup>d</sup>* year of American Independence.

*John Woods Clk.*

I am personally acquainted with John Wood  
and know him to be the Clerk of the County Court  
of ~~Butcher~~ county Tennessee

Carlquist  
of Clark

W. B. Lantry.  
June, 21, 1848

Sarah Lock

Tex - 38 - 10819

W. Cole's ~~April 1950~~

Col. J. L. Edwards

of  
Commission

of  
Business

Washington  
D.C.

Washington. April 12<sup>th</sup>. 1858

Sir

In making the memorandum yesterday perhaps it was not sufficiently explicit. Mary Killough was the adm<sup>r</sup> of Sarah Lock, and Mary Killough is now dead. The question asked will the pension be paid to another adm<sup>r</sup> of Sarah Lock, on the same certificate. This in reply to this, I wish directed to the pension agent at Nashville, Tennessee.

Col. J. L. Edwards  
Comdr

I am with much respect  
yours obt. servt.  
William Thomas

Dunfries  
Army 2<sup>d</sup> Regt

F

Jan 24  
3

Mr Col

Sarah Lockett

10.8.18

Se

Col. J. L. Edwards  
Camp. of Pensions  
Washington  
D.C.



Summers Va. July 19<sup>th</sup> 1850.

Sir

I wish to be informed whether the Pension in the case of Sarah Lark's widow of John Lark cannot be paid in Washington D. C. if it be ~~not~~ done with the consent of the Administration who is one of the heirs. it will be convenient to receive the money through the Dept. in Congress.

A. Edwards Esq.

I am with great respect  
your obt. servt.  
William Thomas

W

3693

Sarah Locke  
founder, widow of  
John Wallcut  
Singapore

No 1

Allowed by Mr Cornish  
after having been submitted  
to the Commission

State of Tennessee } Before me Bailey  
Putnam County } W. Farmer one of  
the Jurors of Justices of the County  
Court of Putnam County of said  
this day personally appeared Mary  
Kilgough aged about fifty nine years  
who after being duly sworn deposed  
& said that she remembers well when  
Sarah Locke & her former husband  
~~was married~~ John Wallan were  
married. She saw them the next day  
after the wedding, which took place  
in the year ~~of~~ seven hundred  
and eighty nine. Maj Wallan died  
in November 1804, She married again  
to Frank Locke about one year  
afterwards, who died in some two  
years after said last mentioned marriage  
and she has remained a widow ever  
since.

Mary Kilgough

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

B. W. Farmer  
one of the Jurors  
of Justices of the County  
Court of Putnam  
County

State of Tennessee } I Robert S. Morris, Clerk  
Mutherford County } of the County Court of  
Mutherford County aforesaid, 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 & veracity  
of the two latter, is, and was at the time  
of certifying the same one of the Justices of  
Justice 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  
& certified to the character of Samuel  
Killough, is & was at the time of certifying  
& 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 the County Court

State of Tennessee  
Putnam County

I, William Vinson Chairman of  
the County Court of Putnam  
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  
and 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  
A.D. 1838

William Vinson  
Chairman of the  
Putnam County  
Court

House of Representatives

Sir

The enclosed paper has been handed to me by a Gentleman who was employed some years ago, to procure the Pension to which it refers. He says that through some accident or mistake, his attention was never drawn to <sup>the enclosed paper</sup> until lately. He is uninform'd as to whether <sup>or no</sup> some other Agent has been employed - and the pension obtained &c &c: and he requests me to make enquiry. As Mrs Locke is or was my constituent, I must request you to inform me what has been done with her application & oblige

Respectfully  
W<sup>m</sup> Gentry

Thos L Edward  
Com of Pension

Dr W. P. Gentry  
letter

~~From the ...~~

House of Reps Feb 18<sup>th</sup> / 47

Sir

Please forward to me the papers relating to the application of Sarah Locke for a Pension 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 Hon J W Blackwell, bearing date 29<sup>th</sup> Dec 1844 I learn that her claim was rejected on the 19<sup>th</sup> of April 1839 <sup>on</sup> 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 Aug 23<sup>d</sup> 1842 a copy of which and the regulations under it are herewith 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 specifications of proofs necessary & references to the sources of obtaining those proofs. I was surprised because I inferred from the terms of your

in your letter to me of the 28<sup>th</sup> Jan 1847...

Letter to Mr Blackwell that you had  
stated the only ground upon which  
her application had been refused  
Please forward to me the papers & a  
Statement of the Pension to which Mrs  
Locke would be entitled if she can make  
proof of the service of her former  
husband, as claimed in her declara-  
tion. My attention having been  
drawn to the subject, I feel it to be  
my duty to ascertain the nature of  
the claim & advise the parties interested  
(who are my constituents) of the facts of the  
case, to the end that they may obtain  
whatever, under the law, they are entitled  
to. If entitled to any thing I will advise  
them to dispense with any agency or  
procurement other than their representa-  
tive as I am unwilling to cooperate with any  
of those speculators who hunt up claims  
from motives of self interest & who appropriate  
to themselves most of the proceeds of such claims  
Respectfully  
M D Gentry

Mary Killough  
Jonathan Wallace  
John M. Carney

✓  
Department of the Interior  
June 23<sup>d</sup> 1849.

Sir,

I herewith enclose a copy of a  
letter to William Thomas, of Dumfries, Virginia  
in the case of Sarah Lock, dec<sup>d</sup>, together  
with the papers, numbered 1. and 2.

I am very respectfully  
Your Obedt servant

J. Emory

Secretary.

J. L. Edwards Esq  
Comm<sup>r</sup> of Pensions.

Department of the Interior  
June 23<sup>d</sup> 1849.

Sir,

I have examined the papers in the case of Sarah Locke, dec<sup>d</sup>, formerly widow of John Wallace, dec<sup>d</sup>, an appeal from the decision of the Commissioners 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 Clerks Office of York District, in the same State.

I am, very respectfully,  
Your Obedt servant.

(Signed)

Secretary.

William Thomas Esq  
Dumfries  
Virginia.

10  
Jos. S. Black

Nov. 49.

J. S. Black Esq

Esq

answ.

Mr Thomas

Sumner

Mr Sumner

To the President of

Westchester County N.Y. 1850

at length for the King

Comp. Genl Office  
Columbia S.C. Nov. 8<sup>th</sup> 49

Sr 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 as Adj<sup>t</sup> in Militia in Decr. 1779-70 as Capt in Oct '80-152 days a prisoner as Capt in Decr '80 62 days as Majr in May '81 + 47 as do in Feb '82 + 21 as Adj<sup>t</sup> in Feb. 1779 cert<sup>d</sup> in Capt. Hannah's Pay Bill. Also a receipt of Co. W. Patton of 1 beef in 1781 - 2<sup>d</sup> being made a prisoner in 96 Dist was carried to Wm. Stung Va. & exchanged. Em. powder Lewis D Martin to receive his Indent. before W. M. M. from J.P. 29 July '85 - The pay for duty on 3<sup>d</sup> occasion £61.16.8<sup>1</sup>/<sub>2</sub> Sterling per Col. Anderson's return. The signature of J.W. in this ap<sup>t</sup> is not as good as the other in 1<sup>st</sup> above - 3<sup>d</sup> £24.4.10<sup>1</sup>/<sub>4</sub> Stg for duty as private since the fall of Charleston & for a mare, saddle & hunting shirt lost in Militia in 1781 at Siege of Augusta - no signature but rec<sup>d</sup> by L. D. Martin & probably same man. 4<sup>th</sup> 42 days private horseman. rec<sup>d</sup> by self. Signat: - rec bad - 5<sup>th</sup> duty since reduction of Ch<sup>a</sup> as Capt Sterling £162.4.3<sup>1</sup>/<sub>2</sub> - per Col. Anderson's return. also for wagon service by order Genl. Pickens. No signature, one pretty good - the other bad - An official copy of each of the above as sent by you man will be furnished upon the receipt of \$5 good money here.

Respectfully  
Yr obt. Servt  
Chas. A. Black

Map. 62  
aw 47  
30) 109  
Capt. 70  
152  
30) 222  
7. 17

Nov. 80  
4  
30) 104  
3 11

This letter is filed to corroborate  
the purpose of Service as to the drainage  
that is from beyond a doubt by the action  
of Genl. Willoughby.

William Thomas

attorney for the King

Washington July 15<sup>th</sup> 1844

To the Secretary of  
the Interior

James  
Esq  
Washington  
D.C.

J. A. Black

No. 49

April 12/50

Mr. C. C.  
Judge  
Attorney

Pension Office  
April 9<sup>th</sup> 1858.

Sir,

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

I am Yr Very Respectfully  
Yours Obedt Servt:  
J L Edward

Commiss: of Pensions.

William Thomas Esq

Present

now dead,  
Mary Killough, administratrix, of  
Sarah Lack, widow of Capt  
John Wallace. Tennessee claim

N 3193

Sarah Locke and  
Mary, wd of John Wallace  
Jen

Act: 7 July 1838

Adm'd,

3 mo 19 days map p 90. 83

7 " 12 " Capt - 148. 00

3 " " " Adjt. 44. 88

283. 71

From 4 March 1836 to 3 March  
1839, the day of her death  
payable to Mary Wallace  
Administratrix, for the sole  
use and benefit of herself, John  
Wallace, and John de  
Courtney only surviving children  
of Sarah Locke and

William Thomas  
Dumfries

To the Clerk

↓

↓

12



I presume when the party proves that her marriage with the deceased soldier was notorious at the time; that they lived together for a series of years as husband and wife, & perhaps reared a respectable family - that for want of better proof, in the form of records, or eye witnesses this will be sufficient. By the decisions of our courts of Law this would be a sufficient proof of marriage upon an indictment for bigamy or incest. The department would not then require stronger evidence in a matter of civil concern.

As to the question of exact length of service. It is common that the soldier himself, if ~~he~~ cannot recall to his mind all his military acts and engagements during the war. How then can the widow whom perhaps he has not married till 1793 be expected to do it? For her to relate any thing than ~~she~~ she seems she may have known at the time, would be nothing more than a faint sketch.

Nor can the witnesses who have deposed in these cases declare the exact time. I know of no other alternative in such cases than for the examining officer to take the lowest point of time actually proved. This would at least do justice to the Govt. if not to the

claimant.

Mrs Locke has been married since the death of her first husband Maj Wallen. The act of Congress says "That, in the event of the marriage of such widow, said annuity or pension shall be discontinued." Rule 2, says, "it must be ~~clearly~~ clearly shown that the widow was never afterwards married." I conceive that Congress simply ~~meant by this~~ intended, by this proviso, to stop the widow's pension under the act ~~when she~~ as soon as she should marry again, if she did so, during its continuance. The words "shall be discontinued" clearly imply this. Had it intended otherwise, it seems to me Congress would have said "That in the event 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 the act of 4 July 1836 - see 3, when Congress say "such widow shall be entitled to receive during the time she may remain unmarried &c" upon this the spt. established rule 6. (July 9 1836) that widows must prove "they were never after = words married." Upon which construction Congress passed the act of March 3, 1837, giving the act of 4 July 1836, the construction they first intended.

I have the honor

to be so

Yr. obt. Servt.

H. Lockman