

ELIZABETH JONES AND OTHERS.

[To accompany bill H. R. No. 529.]

FEBRUARY 6, 1838

Mr. MORGAN, from the Committee on Revolutionary Pensions, made the following

REPORT:

*The Committee on Revolutionary Pensions, to which the memorial of Elizabeth Jones was referred, report :*

That the petitioner represents that she is the daughter of the late John Carr, a soldier of the Revolution, and in the continental regiment of Colonel George Gibson; that her father served in said regiment from an early period of the war until peace was made; that her said father being aged, was also afflicted with a loathsome, incurable malady, (a cancer on his face,) and being destitute of the means of support, was necessarily sustained by his daughter, the petitioner, and she, also, a poor woman. In this situation the petitioner's father applied in the year 1818 for a pension under the act of Congress of that date, but a pension was not allowed him, on the ground that the regiment of Colonel George Gibson was *not* a continental regiment. But in 1831, it appeared that Gibson's regiment was, in fact, a continental regiment; and a pension was allowed to the said Carr, the petitioner's father, some time in the year 1831. This he continued to enjoy until his death, in the year 1833.

The petitioner further alleges, that during the interval between his first application and the time when he was placed upon the roll, he was in a diseased and indigent condition, and was sustained by her own scanty means; and that he remained a charge to her from the time when he commenced drawing his pension until his death, and that she bore the expenses of his funeral.

The petitioner argues that the error which prevented her father from drawing a pension from his first application in 1818; was *not* *his*, but the Government's; that she, the petitioner, consequently bore the very burden which the Government had engaged to do, and would have done but from its own error, and that she, in consequence, is equitably entitled to receive from the Government that sum which should have been paid her father.

The facts in this memorial are fully proved: *first*, by two witnesses, one of whom, viz: Thomas Jones, of Prince William county, Virginia, swears that, from 1819 till the year 1831, the said John Carr, being an aged, infirm, and indigent man, was sustained by Elizabeth Jones, his daughter, who then was and now is a poor woman; that the said John Carr departed this life at the house of his daughter, about 1833, in an excessive state of infirmity arising from cancer.

Isaac W. Davis, of the same county, swears that he was well acquainted with John Carr; that from 1819 until 1831, he being an aged, infirm, and indigent man, was sustained by Elizabeth Jones, his daughter, who was then and continues to be a poor woman; that the said John Carr departed this life at the house of the said Elizabeth Jones, about the year 1833, in an excessive state of infirmity arising from cancer, and that the funeral expenses were defrayed by his said daughter.

*Secondly*, in relation to this case, and under date of the 29th of December, 1837, the pension agent says that "he (John Carr) applied for the benefits of the acts of March 18, 1818, in that year; but his claim was rejected on the ground that the regiment of Colonel George Gibson, in which he served, was not on the continental establishment. In 1831, however, after the Department had decided that the regiment was a continental one, he renewed his application, and the claim was admitted. The pension commenced on the 7th June, 1831."

In a letter of January 9, 1838, and in answer to inquiries by the chairman of the committee, the pension agent writes as follows:

"SIR: In answer to your inquiry whether the proof exhibited by John Carr in 1818 would have justified me in allowing him a pension at that time, provided the regiment of Colonel George Gibson, in which he served, had been considered a continental regiment, I have to state to you that a pension would at that time have been allowed to him, had the regiment then been recognised as one belonging to the continental establishment."

The committee are of opinion that the petitioner has made out an equitable case, and that it addresses itself to that sense of justice by which they should be actuated; and they have resolved to report a bill for her relief.