

Pension Application for Benjamin Hicks

R.4959

State of New York

County of Dutchess SS.

On this 26th day of march A.D. one thousand eight hundred and fifty seven personally appeared in open court being a court of Record at the Court House in Poughkeepsie before the Hon. Homer A. Beam a Judge of the County Court of the county of Dutchess, Benjamin Hicks, David Hicks & Peter H. Moore Executor of the last will and testament of Benjamin Hicks deceased late of the town of Milan in said County of Dutchess.

Who being first duly sworn according to law, do on their respective oaths make the following declaration in order to obtain the benefit of the provision made by the Act of Congress approved May 15th 1828 entitled "an Act for the relief of certain surviving officers & soldiers of the Army of the Revolution" and all subsequent acts, laws and decisions in which the children of a deceased officer are entitled to the pension rested in said officer by reason of his services in the Revolutionary War and who did not apply.

That they are the duly appointed Executors of the Estate of the said Benjamin Hicks, and the first named Benjamin & David are the children of the said Peter H. Moore son in law of the said Benjamin Hicks deceased.

That the following are all the sons and daughters living of the said Benjamin Hicks deceased and names & ages to wit. Elias Hicks who was born the 14th day of January AD 1778; Benjamin Hicks who was born the 29th day of November AD 1794; David Hicks who was born the 8th day of AD Dec. 1797; Joseph P. Hicks who was born the 25th day of November AD 1780; Amy Hicks the now wife of Nathan Case who was born the 11th day of August AD 1782—Betsey Hicks the now wife of Samuel Willer who was born the 5th day of October AD 1786; Sarah Hicks, the now wife of Frederick Couse who was born the 7th day of April AD 1788; Ann Hicks who married Peter H. Moore, born the 12th day of March AD 1800—Deborah Hicks wife of Levi Torry was born May 12th 1791 & died the 21st day of September AD 1832.

That there are no others and they were the children of the identical Benjamin Hicks who was a Captain of Infantry in the 3d Company of the first New York Regiment in the continental line in the Revolutionary War & who served to the close of the war & was entitled to half pay by the Resolve of Congress of October twenty first seventeen hundred and eighty & who received twenty four hundred dollars in commutation depreciated certificate at the close of the war as they are informed & verily believe to be true—That the said Benjamin Hicks deceased left a widow to whom he was married on or about the 1st day of January AD 1777; whose maiden name was Deborah Doty.

That the said Captain Benjamin Hicks died on the twenty third day of May eighteen hundred and thirty six without ever having applied for the benefits of said act of May 15th 1828; and who refused the same on account of his having joined the society called friends or Quakers. That his widow survived him & died the 16th day of

Dec. 1851—eighteen hundred and fifty one, who was a quakeress and for the same reason declined to apply for the benefits of the Act of July 4th 1836 to which she was entitled, had she applied. They having religious scruples in regard thereto.

And they further declare that the said Captain Benjamin Hicks died at Milan in the County of Dutchess in the State of New York. That his widow who never remarried died at Milan in the County & State aforesaid. And the place of residence of their surviving children above named are as follows to wit.

The said Elias Hicks is a resident Columbia County in the State of New York, Benjamin is a resident of Milan D. County [Dutchess] in the State of New York, David Hicks is a resident of Stanford D. County State of New York. Joseph B. Hicks of Nassau NY; Amy Case is a resident of Milan D.C. [Dutchess County] New York, Betsey Wilber a resident of Pineplains D.C. N. York, Sarah Couce is a resident of Middlesex [Middlesex] New York, Deborah Torry is a Resident of Milan N. York.

That there is no public or private record of said marriage. The said Captain Benjamin Hicks and the said Deborah his wife lived together and cohabited as husband & wife always within their memories from childhood and were generally reputed & accepted among their neighbors as Husband & wife & they never heard anything to the contrary.

There have been no writings concerning his service preserved they believe they were destroyed or put out of the way to prevent being used as none have ever come to their hands as his executors.

The said Executors and declarants hereby appoint Horatio N. Gilbert of Washington D.C. as their Attorney to prosecute this claim with power to receive the certificate or Warrant which may issue & wish full power of Substitution. (Signed) David Hicks, Benjamin Hicks, Peter H. More

Sworn & subscribed before me this 26th day of March 1857. And I certify they are persons of credibility. H. A. Bean, Dutchess County Judge