

Pension Application for William Oakley

W.10833 (Widow: Catharine)

B.L.Wt.8187-160-55

This woman was also pensioned as the widow of William Douglass NY. See papers within and also Rej. Bounty Land application for William Douglass.

A further amendment to the declaration of William Oakley.

State of New York

Rensselaer County SS.

On this seventh day of March 1833 before me Herman Knickerbacker first Judge of the Court of common Pleas in and for the County of Rensselaer personally came William Oakley who being by me duly sworn deposeth and saith that according to the best of his recollection and belief he served in the war of the revolution and belief he served in the war of the revolution no less that the periods mentioned below & in the following grades.

That in the month of January in the year 1777 this deponent served as a volunteer under Capt. Dunnbury, Lieutenant John VanWoirt [VanWort?] a regiment commanded by Col Ludinton [Luddington?], for the term of twenty days durin gall which time he was in actual service as a private.

That he afterwards and in the month of February 1777, volunteered his services as private in a company commanded by Captain Kennicut and was in actual service for the term of three months thereafter.

That immediately thereafter & in the month of May 1777 this deponent again entered the service of the United States in a company of militia commanded by Capt Hyatt in a regiment commanded by Col. Samuel Drake & continued attached to such company until March 1778 & that from May 1777 to March 1778 this deponent was in actual service at different calls & periods of time, in all the amount of two months and twenty days as a private.

That in the month of March 1778 this deponent was appointed a serjeant in a company of militia commanded by Captain Ebenezer Boyd in the regiment command by Col. Samuel Drake and continued to serve as [tear] until the close of the war of the revolution performing at different times actual service as follows to wit.

That in the year 1778 this deponent after his appointment of serjeant was in actual service at different calls & times during that year for the term of three months. That in the winter of 1779 this deponent served as substitute for one Wood (whose Christian name this deponent does not recollect) for the term of two months the said Wood having been drafted as a private and this deponent when he offered his services as a substitute was promised the pay of a serjeant but received only the pay of a private during the said two months which he served as a substitute.

That in the year 1780 this deponent served again as serjeant and was in actual service during the last mentioned year as such serjeant at different times five months & ten days.

That in the year 1781 this deponent was in actual service as a serjeant at different times four months and fifteen days.

That from the commencement of 1782 to the close of the war this deponent was in actual service as such serjeant at different periods of time in all to the amount of two months & twenty five days – and further this deponent saith not. (Signed with his mark) William Oakley

Sworn before me the day and year above mentioned Herman Knickerbacker first Judge of Rensselaer County.

State of New York

County of Rensselaer SS.

On this twelfth day of May in the year one thousand eight hundred and thirty seven personally appeared before the Justices of the Justices Court of the City of Troy, Catharine Oakley, a resident of the town of Lansingburgh in the county of Rensselaer and State of New York aged seventy eight years who being first duly sworn according to law doth on her oath make the following Declaration in order to obtain the benefit of the provision made by the act of Congress passed July 4, 1836.

That she is the widow of William Douglass who was an Artificer in the War of the Revolution. That in the summer of the year 1775, said William Douglass, first enlisted in a company commanded by one Captain Fisher in Colonel VanSchaick's Regiment and marched to Ticonderoga, and there assisted in building the Batteaux and rafts for the conveyance of the troops up Lake Champlain. He thence proceeded northward in the expedition for the invasion of Canada under Gen. Schuyler. He was in the siege of St. Johns—at the taking of Montreal, and in the subsequent attack upon Quebeck. He was brought home sick the spring following.

In the spring of the year 1777, he again enlisted in the service of the revolution as an artificer marched to Ticonderoga, and in the summer of that year, at that place. He was taken prisoner by the Hessians, while attempting to secure & remove his chest of tools, which however he lost. While thus a prisoner he endured much cruel treatment, and severe suffering. He made his escape, and returned home, late in the sum of that year.

The above account of his services, I state, from his relation of the same, often made to me, from the accounts of others, and from general reputations. And about 20 years since, while on a visit to our friends at Ticonderoga, he showed me the room where he was confined a prisoner & from which he escaped.

In the spring of the year 1778, after our marriage, he again enlisted in the service as an artificer was ordered to Albany, and there worked in the Armory until late in the fall. I was there with him and drew his rations, we were there about eight months.

In the fall of the year 1781, he again enlisted as a militiaman, on an alarm. (I do not recollect under what officers) and marched to Skeensborough, and was absent there about 4 weeks. While he was absent at this time, a party of the enemy in search of him, attacked our house in the night fired through the doors and windows, broke in and finding none there but myself, two small boys & a hired man whom they too prisoner—then plundered the house & fled.

At another time soon after, a party of Indians at night made an attack upon our house. Hearing them approach, I took my child about ten month old in my arms, escaped through a back window, ran about a mile & a half through the woods to a neighbor's.

In the year 1782 my said husband again enlisted in the service as an artificer, under one Captain Persels, and went to Fishkill early in the Spring and there worked at making carriages for cannon, about eight months according to my best recollections. I was there with him during that time and drew his rations.

She further declares that she was married to the said William; Douglass on the first day of January in the year seventeen hundred and seventy eight (1778); that her said husband the aforesaid William Douglass died on the first day of March 1832, that she remained his widow until the eleventh day of September one thousand eight hundred and thirty four, when she was again married to one William Oakley (who was a Pensioner of the United States) and that the said William Oakley died on the second day of November eighteen hundred and thirty five, and that she has remained a widow ever since that period, as will more fully appear by reference to the proof hereto annexed—and further that she was married to the said William Douglass as aforesaid by the Reverend Elias VanBenschoeten pastor of the Dutch Reformed Church in Schaghticoke at the time of our said marriage. (Signed with her mark) Catharine Oakley

Pension of a husband not to be deducted in certain cases.

War Department

Pension office, July 24, 1837.

Sir: I have the honor to state the following case for your decision:

Catharine Oakley, formerly Catharine See, was married to William Douglass, in 1778 and at different periods, before and after the marriage, he served nine months; for which service she is entitled to a pension under the 3d section of the act of July 4th, 1836. But after the death of Douglass, she married on the 1st of March, 1832, a pensioner named William Oakley, who died on the 2d November, 1835. As by the decision of the department, in conformity with the opinion of the Attorney General, the widow of a person who was a revolutionary pensioner, and who died after the 4th March, 1831, cannot be allowed to draw from an earlier period than the day of his death, it would seem to establish the principle that the widow who may become a pensioner cannot draw pay for any period during which her husband received a stipend. If Douglass, who died in 1832, had drawn a pension up to the year in which he died, there would be no question as to the propriety of deducting the amount which he might have received. Such a deduction would be in strict conformity with the practice of the office. But a doubt arises in this case, whether the amount paid to Oakley can be deducted; because, although, as his wife, she derived some small benefit from his pension, on account of his revolutionary service, yet, as that service could not, under the act of July 4th 1836, be availing to her, it does not appear to accord strictly with principles of justice that she should not reap all the advantages

which the services of the first husband gave her. The pension of 1836 was intended as a reward for the sufferings of those women who had husbands in the service during the revolutionary struggle; and it would seem to be an infringement of their rights not to allow them the full amount to which their husbands would have been entitled under the act of June 7, 1832. I submit, therefore, the following question:

Can the pension paid to William Oakley, during the time he was husband to Catharine Oakley, be deducted from the amount due to her, under the act of July 4, 1836, on account of the revolutionary services of William Douglass, to whom she was married during said service?

I have the honor to be, very respectfully, your obedient servant, J.L.EDWARDS.
Hon. Joel R. Poissett,

Secretary of War.

The pension paid to Oakley during the period he was husband of Catharine, widow of Douglass, ought not to be deducted from the pension due to her on account of the services of her former husband. J.R.P.

Rules of evidence under act of 7th July, 1838.

Pension Office, *July 17, 1838.*

The following rules, prescribed by the President of the United States, and adopted by the Secretary of War, in order to carry into effect the act of Congress of the 7th July 1838, entitled "An act granting half pay, and pension to certain widows," are published for the information of applicants under that law.

1. Applicants must produce the best proof the nature of the case will allow as to the service of the deceased officer or soldier, and the time when he died. It must be clearly shown in what troop or company and regiment or corps, he served, and the grade he held. Proof as to service must be had, either from the records of the War Department, the muster-rolls, the testimony of commissioned officers, or the affidavits of persons of known respectability. Every applicant will make the declaration according to the subjoined form, before a court (a) of record, setting forth according best of her knowledge or belief, the name and rank of the person on account of whose service the claim is presented; the day, month, and year, (if possible,) when he entered the service, and the time when he left the same; and if under more than one engagement, the claimant must specify the particular periods, and the rank and name of the officers under whom the service was performed; the town or country, and State in which he resided when he entered the service; whether he was draughted, was a volunteer, or a substitute; the battles, if any, in which he was engaged; the country through which he marched, with such further particulars as may be useful in the investigation of the claim; and also, if the fact be so, that the claimant has no documentary evidence in support of the claim. From the best sources of information evidence must be derived as to the period of the death (b) of the officer or soldier.

2. The legality of the marriage, and the time when it took place, must be clearly established; and it must also be shown that the widow was never afterwards married. Record proof, as to the marriage, is always requires, whenever it can be obtained. In a case where the town, country, parish, church, or family records afford no proof as to the period when the marriage took place, the fact must be established by the testimony of one or more respectable persons, whose credibility must be certified by the officers who may administer the oath. And in order to prevent any mistake or improper use that may be made of the affidavit of an officers who may have the custody of records, from which he may make transcripts of the record in relation to a marriage, the officer who may give his affidavit will, instead of copying the figures contained in the record, certify "that it is a true copy of the record, with the exception of the date, which is expressed on the record in fair legible figures, as follows:" [Here copy the day, month, and year, in letters and figures, in exact conformity with the original. Then let him add the following words:]

"I, A B, above named, depose and say, that I hold the office of [blank] in; the county, town and Sate aforesaid, and that the above is a true extract from the records of said [blank], with the exception above named, as certified by me.

Sworn before me,

AB, Clerk of the (or rector, or pastor, as the case may be.) C D, Justice of the Peace."

And then will follow the certificate of the proper officer, under his seal of office, as to the official character and the signature of the magistrate who may administer the oath. Where no record proof exists, other than the

[Record ends here. 123 pages are in this pension folder.]