

A Pension for Roxy – Finally!

Copyright © 2012 by Jay C. Wood, jay@jaycwood.us

Now you know that anyone with the first name of Roxy has got to be one of my favorite ancestors. Roxy Ann HAYES HILBORN is, in fact, my second great grandmother. But her name is not why I am writing about her here. What really makes my great great grandmother so interesting is how she finally received a Civil War Pension. Her husband had no military service so her pension was based on her son's service in the Union Army! But it took a while to get it.

First, I will give you a few vitals and then on to the pension. Roxy Ann HAYES was born in Granby, Hartford County, Connecticut on 20 April 1815.¹ She was the youngest of five children born to Martin HAYES and Mary CAMP.²

On 12 October 1837, she married Samuel HILBORN in Green Township, Erie County, Pennsylvania.³ They had ten children but for this story we are interested in only two of those ten. My great grandmother, Mary Ann HILBORN WOOD, was one of those ten children but we are only interested here with two of her siblings and how those two are involved with the pension. My great grandmother is still important to me. If it wasn't for her, I wouldn't be.



Samuel HILBORN died 25 April 1877 at age 74 in Erie County, Pennsylvania.⁴ According to one of the documents in Roxy's pension application,⁵ Samuel is buried in the Erie Cemetery, Erie, Pennsylvania in Section Q, Lot 23. In that document, the Superintendent of the Erie Cemetery further says, "The Records of said cemetery also show that Harley J. Hilborn son of said Samuel Hilborn was buried on the 9th day of January 1863." Harley is the first of the two children of Samuel and Roxy that we are interested in here.

I have located Roxy in several censuses but one is of particular interest to us in this story. In the 1900 U. S. Census⁶ she is listed in the household of her son-in-law and daughter, Melvina Minerva "Vina" HILBORN DROWN. Vina is the second of the two children of Samuel and Roxy that we are interested in here.

Roxy Ann HAYES HILBORN died on 8 November 1902 at age 87.⁷ She is buried in the Erie Cemetery, Erie, Pennsylvania.⁸

It is interesting to note that Samuel HILBORN and his wife, Roxy Ann HAYES HILBORN, are buried in the Erie Cemetery both in Section Q,



¹ Charles Wells Hayes, *George Hayes of Windsor & His Descendants* (1883; reprint, Salem, Massachusetts: Higginson Book Co., 1994) (Hereinafter as Hayes.), p. 73.

² Charles W. Hayes, A.M. "The Hayes Family of Windsor and Granby, CT." *New England Historical and Genealogical Register*, Vol XXXVI, Oct 1882, pp. 387-392. (Google Book Search, 22 Feb 2008.)

³ Hayes, p.73.

⁴ *History of Erie County, Pennsylvania* (1884; reprint, Chicago: Warner, Beers & Co, 1976), p. 72.

⁵ Civil War Pension Application No. 386545 for Harley J. Hilborn and Roxy A. Hilborn (mother). Records of the Veterans Administration, Record Group 15, National Archives, Washington, D.C. (Hereinafter as "Pension Application."), "Record Proof of Death of Soldier"

⁶ 1900 Federal Census (population); Pennsylvania, Erie Co., E.D. 87, Sheet 1A. National Archives Microfilm Publication T623, roll 1408

⁷ Pension Application "Pensioner Dropped"

⁸ Erie Cemetery Association (6 Nov 2007 <http://eriecemeteryassoc.com/>).

Lot 23. Harley Joseph HILBORN is also in that same family plot as well as at least two of his siblings: Myron and Harriet. Lot 23 is probably the main burial lot for the HILBORN family. Of the ten children of Samuel and Roxy HILBORN, only three lived to be married (Mary, Vina and William). Their first born, Omar, died in infancy. Three children (Amoret, George and Lucinda) died within eighteen days of each other in February 1858, all from scarlet fever.

Now let us look at Harley HILBORN. (His first name is entered as Hardley on some records and indexes.) In particular we will look at his military service during the Civil War. This will lead to the basis for Roxy's Civil War Pension Application.

Harley Joseph HILBORN was born in Ohio on 29 February 1840.⁹ According to my grandfather, Harley John WOOD¹⁰ (yes, he was named after his uncle), the family celebrated his birthday on the 1st of March in the years that were not leap years.¹¹ Harley Joseph HILBORN is recorded in the 1850 Census¹² and again in the 1860 Census¹³ as living with his parents and siblings in Greene Township, Erie Co, Pennsylvania.

In Harley's military service record, a copy of which I obtained from the U. S. Archives,¹⁴



he appears on the "Company Muster-in Roll" dated 10 September 1862. At the time his company was called Captain McCready's Company which later became Company D, 145th Regiment Pennsylvania Infantry. That same Muster-in Roll notes that he "Joined for duty and enrolled" on 21 August 1862 at Camp Russell, Erie, Pennsylvania. There are also, among other records, a "Memorandum from Prisoner of War Records" and a "Record of Death and Interment." The latter of these documents reports that he died on 2 January 1863 in Washington, D.C.

Harley's headstone reads, "Harley J. / son of / S. and R. A. Hilborn / Died / at Washington, D. C. / Jan 2, 1863 / of wounds received / in the battle of / Fredericksburg." The next line possible says, "22 years, 10 months, 4 days." The last few lines are unreadable due to the age of the stone and the elements.

But let's let my grandfather tell it the way he heard the story. "His first battlefield duty was to help carry off the dead from the battle of Antietam. This must have been a rough introduction as up to this time the sight of blood always sickened him. He received a Minnie ball in his knee before the famous stone wall at Fredericksburg, was held prisoner without food or drink for about three days, though this might not have been the fault of the enemy at all, but at the end of this time the prisoners were exchanged and he was taken to a hospital at Washington, where his father reached him shortly before he died."¹⁵ This is pretty much confirmed in

⁹ Hayes, p. 73.

¹⁰ Harley John WOOD was originally named John Harley but preferred to be called Harley so he reversed the order of his given names. He was obviously named after his uncle Harley Joseph HILBORN by his mother Mary Ann HILBORN WOOD who was Harley Joseph HILBORN's sister.

¹¹ Wood, Harley John, "Some Items of Family and Personal History" (copy in possession of the author)

¹² 1850 Federal Census (population); Pennsylvania, Erie Co., Green Twp. National Archives Microfilm Publication M432, roll 777, n. 155b/156.

¹³ 1860 Federal Census (population); Pennsylvania, Erie Co., Greene Twp., Page 33. National Archives Microfilm Publication M653, roll 1107, n. 508.

¹⁴ Union Compiled Service Record for Harley J. Hilborn; Company D, 145 Pennsylvania Infantry Regiment. Records of the Adjutant General's Office, Record Group 94, National Archives, Washington, D.C. (Hereinafter as Service Record.)

¹⁵ Wood, Harley John, "Some Items of Family and Personal History" (copy in possession of the author)

Harley's Civil War Service Record and the Regiment's history found on the National Park Service's website.¹⁶

One of the documents¹⁷ in Roxy's application states, "Mortuary records on file show him died (sic) Jan 2 / 63 at Douglas Genl. Hospital at Washington D.C. of wounds rec'd in action."

In Harley's military service record¹⁸ there is a document which indicates that Harley's body was turned over by the hospital to Samuel HILBORN, his father. Apparently, Samuel transported his son's body to Erie, Pennsylvania for burial in the family plot.

My grandfather goes on to say, "Mother used to have the battered bullet, his diary faithfully kept from his twenty-first birthday up to a day or so of his death and several other keepsakes." (You know I would love to see those!)

What we need now is a short explanation of the law which made Roxy eligible for a pension. That law is "An Act to Grant Pensions July 14, 1862." An excerpt from an analysis says, "Section 3 - provides a pension for mothers who were dependent on their son for support (without the son having either wife or children). This pension would be terminated on the remarriage of the mother."¹⁹

Roxy was never actually dependent on her eldest son Harley for support. She would have been dependent on her eldest son after her husband died in 1877 except that her eldest son had died from his Civil War wounds in 1863.

Something I don't have an explanation for is that Roxy applied twice. In Roxy's pension application file there are two completed applications on different forms but containing basically the same information. The first was under the 1862 Act and dated 3 January 1889. The second application was filed under the "Disability Act of June 27, 1890" and dated 26 July 1890.²⁰ That law expanded the eligibility for pensions and may have changed some of the requirements for a dependent mother's pension.

When the first application was received at the Commissioner of Pensions office, a number, 386545, was assigned and the same number was used for the second application. The first thing the Commissioner needed was proof of service. There is a document dated 6 March 1889 in the pension application that gives the service of Harley Joseph HILBORN.²¹ This document is dated before the second application was submitted.

It is only a guess but her first application could have been ruled incomplete and returned. She needed more proof and with the second application that proof was provided. It is also a guess that the second application was not initially accepted because the last document submitted was dated, "20 November 1895."²²

Under one or both laws there were at least nine requirements that had to be met. Roxy or someone needed to prove that all nine had been met before her claim could be approved.

1. Roxy Ann HAYES had married Samuel HILBORN.
2. Samuel HILBORN had died, leaving Roxy a widow.

¹⁶ http://www.nps.gov/civilwar/search-regiments-detail.htm?regiment_id=UPA0145RI

¹⁷ Pension Application, letter from the War Department, Adjutant General's Office

¹⁸ Service Record, "Record of Death and Interment"

¹⁹ Available on the internet at: <http://drbronsontours.com/pensionsunderstandingcivilwarpensions.html>

For the complete law go to the same site and click on "Act to Grant Pensions" on the first page.

This web site is an excellent source for Civil War Pension research—few, if any, are better.

²⁰ Pension Application, "Declaration for Dependent Mother's Pension"

The website in the previous note also has the Disability Act of June 27, 1890.

²¹ Pension Application, letter from the War Department, Adjutant General's Office

²² Pension Application, Affidavit from W. E. Hayes

3. Harley Joseph HILBORN was the son of Samuel and Roxy Ann HILBORN.
4. Harley Joseph HILBORN had military service during the Civil War.
5. Harley Joseph HILBORN died as a result of wounds received during the Civil War.
6. Harley Joseph HILBORN left no widow or children.
7. Roxy Ann HILBORN had not remarried.
8. Roxy Ann HILBORN had very little, if any, income.
9. Roxy Ann HILBORN was then dependent on others for her support.

There are fifteen documents in Roxy's pension application file that I received from the National Archives. All of the above nine items are proven in one or more of these documents. Most documents are signed, witnessed and notarized affidavits. Eight of the nine requirements were simple enough to prove. There was either something in his service record or people knowledgeable of the facts submitted an affidavit. But proving the first in the list, that Roxy Ann HAYES had married Samuel HILBORN, apparently was a real problem!

Lots of problems! Their marriage was entered into the family Bible. Problem: no one knew where that Bible was! They were married by Rev. Thomas Whalon. Problem: Rev. Whalon had died and his church records were lost! Problem: there was no 'official' record of their marriage! At that time, governments didn't care who got married and did not require a Marriage License.

Included in the pension application are no less than five documents about this marriage, one from Roxy herself.²³ But the most interesting of the five is one signed by Susan GOULD.

Fasten your seat belts because this one gets wild. Who the heck was Susan GOULD and what did she have to do with Roxy getting a pension? Well, first Susanna "Susan" WOODWARD became Susan WOODWARD HAYES when she married Roxy's brother, Alson HAYES, in 1826. That made Roxy and Susan sisters-in-law. Alson HAYES died in 1848 and sometime later Susan WOODWARD HAYES married Rev. Allen GOULD and she became Susan WOODWARD HAYES GOULD.

While still Susan HAYES, she was one of the witnesses at the marriage between Samuel HILBORN and Roxy Ann HAYES in 1837. So far, so good. It would be simple for her to fill out a "General Affidavit" like everybody else. But life is not that simple. In 1891 Susan GOULD was living in Alameda County, California! What to do? Well, believe it or not, there was a form just for that specific situation!

On 24 October 1891, Roxy signs another document which is in her pension application.²⁴ That form requires and contains a lot of information about Roxy and her family. She had to give the military service information for her son, Harley Joseph HILBORN. Roxy had to provide marriage information about where, when and who performed the ceremony and why they can't find any records. Roxy also had to list all her children and their birth dates. (Now you know why genealogists just love pension applications!)

After being signed, witnessed and notarized in Pennsylvania, that form was then sent to Susan GOULD in California. Susan then fills in the blanks on her portion of the form with basically the same information Roxy provided. The form is then signed, witnessed and notarized in California but there is another problem. Since it is notarized outside of Pennsylvania where the document originated, the California Notary needs to be verified. Susan or somebody takes the document to the Alameda County Courthouse where the Clerk of the Court fills in a printed

²³ Pension Application, "General Affidavit" signed by Roxy A. HILBORN

²⁴ Pension Application, "Secondary Proof of Marriage"

portion of the form and stated that the California Notary is a real Notary. Now the completed document is mailed to the Pension Office where its arrival is date stamped “Nov 11, 1891”! From the original date on the document, 22 October 1891 until it is received in Washington, D.C. is twenty days! From Pennsylvania to California to Washington in twenty days?!? In 1891!

There is nothing in the record I received from the National Archives that definitely states that Roxy HILLBORN was ever granted her pension or when or for how much. But there is a clue. In the very last document,²⁵ a Pension Agent reports to the Commissioner of Pensions that Roxy A. HILLBORN has died. “Sir: I have the honor to report that the above-named pensioner who was last paid at \$12, to 4 Oct 1902 has been dropped because of death Nov 8, 1902.”

That completes the story of how and when Roxy Ann HAYES HILLBORN applied for and must have finally received her Civil War pension based on the Civil War service and death of her son, Harley Joseph HILLBORN.

Wait a minute! At the beginning I said, “Vina is the second of the two children of Samuel and Roxy that we are interested in here.” How does she fit into this story?



Remember the form that was sent to Susan GOULD in California?²⁶ When I first received Roxy’s pension application, I looked at all the forms and then started to piece together the story. There was one signature on the form sent to Susan that just jumped off the page at me. One of the witnesses to Roxy Ann HILBORN’s signature was “H. DROWN.” That name rang a bell. I know that name. Who was it? Then came one of those ‘ah ha’ moments. H. DROWN was Hosea DROWN.

Remember when I said, “In the 1900 U. S. Census she (Roxy) is listed in the household of her son-in-law and daughter, Melvina Minerva “Vina” HILBORN DROWN.” That son-in-law was none other than the witness Hosea DROWN. Does Hosea want ‘Mom’ to receive a pension? Oh yes!



Now the story is complete. Or is it?

Jay C. Wood
Fillmore, CA

Notes:

1. I am deeply indebted to Betsy MacKrell from the Erie Cemetery and the Erie Cemetery Association.²⁷ She provided some of the photos (markers for Harley HILBORN, Hosea DROWN and Melvina HILBORN DROWN) used in this article and I thank her for permission to use them.
2. An excellent article, which Betsy told me about, is “Your affectionate son... The Civil War letters of Pvt. Harley J. Hilborn 145th Pennsylvania Volunteers,” published in *Military Images* magazine. Just exactly what the title sounds like, letters from Harley to his family. His first letter is dated 13 Sep 1862 and the last is dated 29 Dec 1862—makes for exceptional reading. Harley was well educated and wrote very good letters. They are so good the publisher of the magazine decided to reprint the article. I have obtained both the original March-April 1981 and the May-June 1999 editions of *Military Images*.

²⁵ Pension Application, “Pensioner Dropped”

²⁶ Pension Application, “Secondary Proof of Marriage”

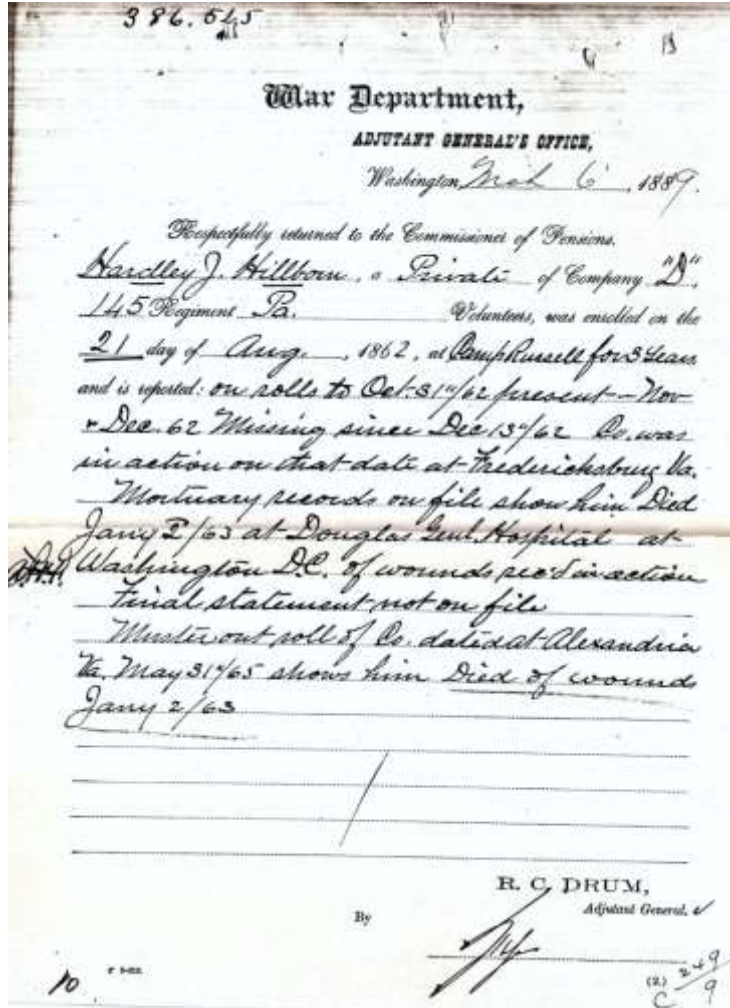
²⁷ http://www.eriecemeteryassoc.com/erie_cemetery.html

3. I am also deeply indebted to Christine Matha, a newfound friend, who has kindly allowed me to use her photos (markers for Samuel HILBORN and Roxy Ann HAYES HILBORN).
4. I am also deeply indebted to my newfound cousin, Nancy Shumaker Pallan (enter her name into Google). She has sent me a lot of information about Harley and his brother William and William's line. William is Nancy's great grandfather. She has given me permission to use the picture of Harley which she has along with Harley's letters.
5. Now, who has that Minié ball, the one removed from Harley's knee?



Harley Joseph Hilborn

Original photo in possession of Nancy Shumaker Pallan in Pennsylvania.



Printed in the *Erie Weekly Gazette*, 8 Jan 1863

Obit. We regret to learn that R. W. FINN, son of P. G. FINN of this city, and HARLEY HILBORN, son of SAMUEL HILBORN of Greene township, both members of the 145th Regiment Pa. Volunteers, died in one of the Washington City Hospitals a few days since, from the effects of wounds received in the Fredericksburg battle. Their bodies are on the way home for interment, and will probably reach here to-day (Wednesday.)

Obituary, "Harley Joseph Hilborn," *Erie (Pennsylvania) Weekly Gazette*, Thursday, 8 Jan 1863 (Erie County Public Library).

The above document was copied from: Civil War Pension Application No. 386545 for Harley J. Hilborn and Roxy A. Hilborn (mother). Records of the Veterans Administration, Record Group 15, National Archives, Washington, D.C.