



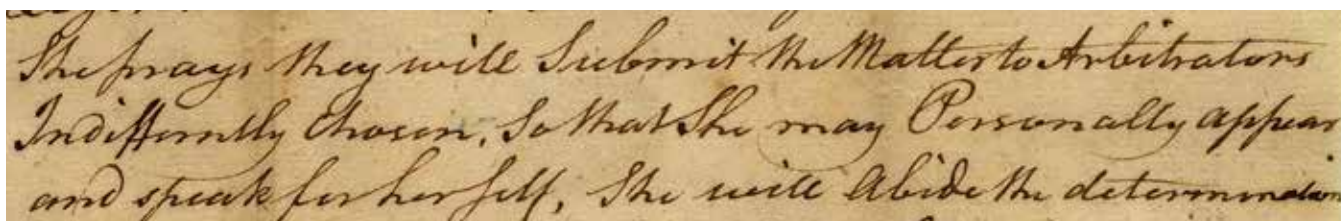
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Elizabeth King Horton's Fight for Half-pay Pension

On May 24, 1777, Elizabeth (King) Horton, a 28-year-old mother of three from Roxbury, New Jersey, became a widow.

Her husband, surgeon's mate Jonathan Horton, succumbed to a "putrid sickness" he contracted while treating smallpox-ridden Continental troops at the Mendham army hospital located a few miles from his home. Two months earlier, on March 27, 1777, Elizabeth's father-in-law, Rev. Azariah Horton, had contracted smallpox and died ministering to Continental troops at Bottle Hill, New Jersey. On June 11, 1777, eighteen days after Jonathan's death, Elizabeth gave birth to my ancestor, Jonathan K. Horton, who grew up without a father or paternal grandfather. Sadly, in 1777 no provisions were in place to assist widows whose husbands died in service to the newly declared United States of America.

At the time, the Continental Congress was struggling to provide even basic provisions for the Continental Army. With no authority to raise taxes and dependent on cooperation from the thirteen



colonies, Congress was severely restricted in its ability to provide pensions. Even so, the first of many pension resolutions by the Continental Congress was passed on August 26, 1776, providing relief for disabled Continental soldiers. The first pension legislation for widows and orphans was passed on August 24, 1780. Due to the limited authority of Congress, individual colonies or states were required to administer Continental soldier pensions until 1789, when the pensions were transferred to federal control. During this period the colonies or states not only administered Continental Army pensions but also funded and administered their own militia pensions.

After 1789, state-held Continental pension documents were transferred to the War Department in Washington, D.C. Unfortunately those papers burned in an 1800 fire, leaving few surviving records. Another fire in 1814 destroyed the previous fourteen years of applications. Subsequent acts of Congress would ultimately provide pensions for all state or federal veterans and their widows.

The vast majority of Revolutionary War pension applications consist of documents submitted after the fires. The original applications are part of the National Archives and digital copies are readily available online at both Ancestry.com and Fold3.com. These records typically contain a wealth of detail about the veteran. Commonly overlooked are documents found in state and local archives. In Elizabeth Horton's case, records of the New Jersey state legislature

and petition documents held by the New Jersey State Archives proved to be gold mines of genealogical information.

Initially, I knew very little about Jonathan and Elizabeth (King) Horton. His parents' probate records confirmed that Jonathan Horton (1745–1777) was the eldest son of Rev. Azariah Horton¹ and Eunice Foster² of Bottle Hill. Probate records for Elizabeth's brother, George King of Morristown, New Jersey, prove that Elizabeth was the daughter of Constant and Phebe (Horton) King³ of Roxbury, New Jersey. State records listed Jonathan's service as a surgeon in the New Jersey militia from February to December 1776.⁴ His unit was encamped with General George Washington during the famed crossing of the Delaware.⁵ At the end of December Jonathan's commitment to the state militia ended. The details of Jonathan's subsequent 1777 Continental service did not become clear to me until I began to follow the paper trail created by Elizabeth's pursuit of a pension.

Remarkably, the key to Elizabeth's story and Doctor Horton's Continental Army service was found in a Morristown trash heap in 1915. A manuscript account book of Morris County court records contained requests for pensions submitted by thirty-nine claimants based upon Revolutionary War service. These records were published in 1916 in the *Proceedings of the New Jersey Historical Society*.⁶ The very first case was Elizabeth Horton's September 1779 petition for a pension. The record

Elizabeth Horton's November 1786 petition objecting to the revocation of her pension. "Petition of Elizabeth Horton to the Executive Council and General Assembly concerning the revocation of her widows pension," Morris Co., 10 November 1786, p. 3. New Jersey State Archives; Department of State.

included copies of certificates from Brigadier General Henry Knox and Surgeon General John Cochran attesting to Jonathan Horton's service. The certificates stated that Jonathan was asked to join the Continentals because of the smallpox epidemic in Mendham, that he was appointed assistant surgeon to Dr. Isaac Spafford (of Capt. Jotham Drury's Company of Artillery, 3rd Continental Artillery), and that he died of disease in Mendham as a result of that service. Elizabeth's maternal uncle, Elijah Horton, and her father, Constant King, both New Jersey justices, certified that Elizabeth was the widow of Dr. Jonathan Horton, who died in the service of the United States. Elizabeth's brothers, Fredrick King and C. Victor King, submitted similar affidavits. The court ruled that Elizabeth Horton was entitled to receive the monthly half pay of her husband during her widowhood.

Knowing Elizabeth would have submitted these certificates to the State Assembly, I searched for "Elizabeth Horton" in the *Proceedings of the General Assembly of the State of New-Jersey* and found numerous references.⁷ Next, I requested relevant documents from the New Jersey State Archives and received a large number of fascinating documents that detailed Jonathan's Continental Army service and the Horton family's extraordinarily long battle for a pension—a two-generation struggle that stretched over fifty-one years!

Opposite: This marker is located in the Hill Top Cemetery, next to the First Presbyterian Church of Mendham, New Jersey. The meeting house that stood on the church site during the Revolution was used as a smallpox hospital; it was in this building that Jonathan Horton tended to the sick and caught the disease himself. Courtesy of Mary-Jo Solomon. This drawing depicts the first meeting house on the site of the present First Presbyterian Church in Mendham. Built in 1745, it was in use until a new church was dedicated in 1817. The sketch, drawn based on early written descriptions, appears in *Two Hundred Fifty Years on the Hilltop: a History of the First Presbyterian Church, Mendham, New Jersey, 1738–1988* (Mendham, N.J.: First Presbyterian Church, 1988). Courtesy of First Presbyterian Church.

Tuesday, November 12, 1799.

The House met.

Mr. Dey, from the committee to whom was referred the petition of Elizabeth Dunham, late Elizabeth Horton, reported,

THAT it is the unanimous opinion of your committee, that the prayer of the petitioner ought not to be granted.

JOHN DEY.

Elizabeth's final petition was unanimously denied by committee on November 12, 1799. *Votes and Proceedings of the Twenty-Third General Assembly of the State of New-Jersey, Third Sitting* (Trenton, N.J.: Sherman, Mershon & Thomas, 1799), p. 73. New Jersey State Archives; Department of State.

Elizabeth Horton's pension battle

Elizabeth's adjudicated pension documents from Morris County were approved on March 17, 1780, by the New Jersey State Assembly.⁸ She was provided twenty dollars a month for the term of her widowhood, with payments retroactive to Jonathan's death date, May 24, 1777. Elizabeth's first payment was \$680 in worthless Continental currency. She received a pension, mostly in "Continental," until 1784, when the payments stopped for no known reason.

Two years later, on March 22, 1786, the New Jersey General Assembly passed a resolution to revoke her pension, stating that she had received "large sums of money" and that her husband "died by sickness and not in consequence of any wounds."⁹ In response Elizabeth submitted a November 1786 petition objecting to the revocation and asking that her pension be renewed. She insisted that the issue be sent to arbitration if the pension was not reinstated. For a second time Brigadier General Henry Knox and Doctor John Cochran wrote affidavits in her favor. Elizabeth, apparently an assertive and educated woman, was determined to speak face to face with the arbitrators.

But if the Legislature do not Chuse to Grant her request, She prays they will Submit the Matter to Arbitrators Indifferently Chosen, So that She may Personally appear and speak for herself, She will abide the determination of Such Arbitrations. — She thinks hard of having her Warrant revoked without being heard.¹⁰

Elizabeth's petition attempted to address all of the issues raised by the legislature. The first issue was the apparent loss of the original 1779 adjudicated certificates. (Although the originals would never be found, copies would be rescued from the Morristown dump in 1915.) Elizabeth noted that "the original vouchers were put in the Hands of the Assembly and have not been in her possession since." She argued "they were by the Courts of the County of Morris and the Then Assembly thought Sufficient for a charge to be made against the United States." Perhaps the State of New Jersey couldn't charge the U.S. government for her pension because the original documents were lost. But, as Elizabeth pointed out, she was not the one who lost them.

Another issue for the legislature was that Elizabeth had already received large sums of pension money. On this topic she contended that "... the Sums paid on the Warrant were not So large as they might Seem at first Sight to be, as a great part was paid in Continental Money at Minimal Value." Not only were the payments in essentially worthless Continental currency, they appeared large only because they were retroactive.

An important factor in the pension saga may have been a clerical error. Among the documents found in the New Jersey State Archives was a list of "Men from New Jersey in the Medical Department—Continental Army," which incorrectly gave Jonathan Horton's death as *March 1780*.¹¹ The document is identified as a copy and has no associated date or author. The misinformation was likely

a clerical error made by the Medical Department during the war. Such an error could have caused doubts about Elizabeth's retroactive payments.

An additional issue not documented in the Assembly record but noted in Elizabeth's petition concerned Jonathan's name not being found on the rolls of hospital officers:

It has been told your Petitioner that the Assembly (or some of them) objected to her having allowance because her Husband's Name was not found on the Rolls.

General Knox, Doctor Cochran, and Elizabeth all addressed this issue. General Knox stated that:

This is therefore to certify that it is the opinion of the subscriber that the widow of the said Doctor Jonathan Horton is entitled in equity and justice to the allowance . . . notwithstanding the name of the said Doctor Jonathan Horton does not appear on the rolls of the Hospital officers of the year 1777 and that there is a propriety in charging the same to the United States.¹²

On November 17, 1786, Elizabeth's petition and certificates were read to the General Assembly. Six months later, on May 28, 1787, the petition was read a second time and "ordered to lie on the Table"¹³ meaning the petition was silenced and no further action was taken on it.

On May 10, 1794, Elizabeth married Benue Dunham in Morristown.¹⁴ On February 16, 1795, under the name

Elizabeth Dunham, she submitted her second extant petition.¹⁵ This petition argued she should be compensated for the payments made to her in worthless Continental currency but less than a month later, on March 13, 1795, she received another rejection.¹⁶ Undaunted, Elizabeth submitted yet another petition on February 11, 1796, along with a “number of vouchers to justify their claim.”¹⁷ The petition was read and, again, dismissed. Elizabeth’s final petition, submitted on February 9, 1799, was unanimously denied by committee on November 12, 1799.¹⁸

Although the 1796 and 1799 petitions could not be found in the State Archives, several informative documents in the Archives coincided with the 1799 appeal. One, an affidavit dated January 19, 1799, written by John Cary of Mendham noted that Dr. Jonathan Horton, an assistant surgeon in the Continental hospital in Mendham Township, was taken to his brother-in-law’s house where he died sometime in the spring of 1777.¹⁹ Another

document was a 1799 Morris County copy of the original 1779 voucher the Assembly had lost; apparently the lost documents were still an issue for the State. Yet another document listed the payments Elizabeth received between 1780 and 1784. With this new evidence, Elizabeth attempted to address the issues the legislature had originally cited in 1786.

Elizabeth’s unsuccessful protracted battle with the state had spanned fourteen years. Eighteen years after her last petition, on February 7, 1818, with a count of 27 years and 15 days, the New Jersey Legislature passed a bill entitled “An act for the relief of Elizabeth Dunham, late Elizabeth Horton.”²⁰ Her pension was finally reinstated thirty-two years after it was revoked. Although no records in the Legislative journals after 1799 mention Elizabeth Dunham or any petitions on her behalf to further illuminate this part of the story, the 1818 act indicated she had legally been granted a pension of twenty dollars a month in 1780, that she received payments from

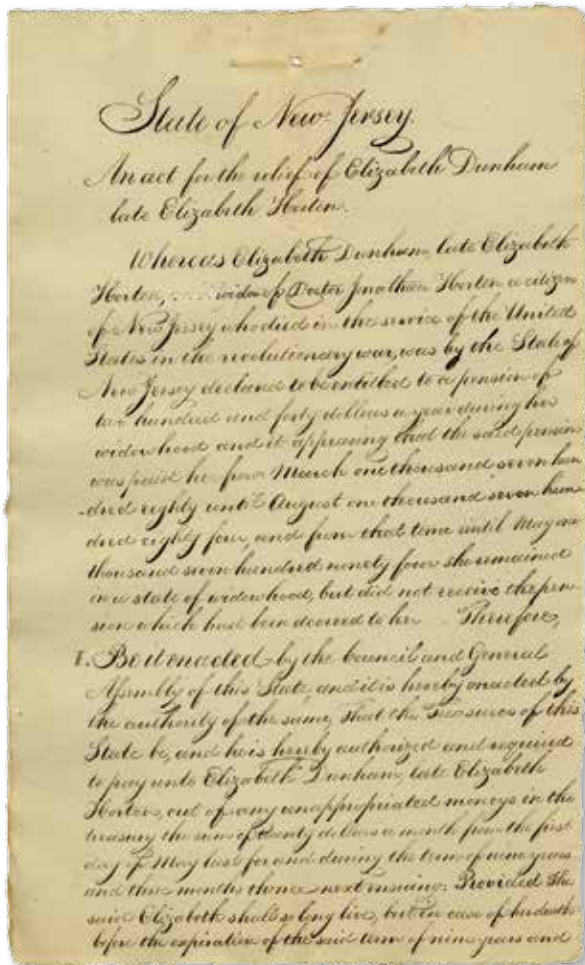
1780 to 1784, that her widowhood ended in May 1794, and therefore that she would be compensated for about nine years of missing payments, or until she died. The passage of this act validated Elizabeth’s arguments and highlighted the injustice of the earlier revocation.

Elizabeth (King) (Horton) Dunham died five years later on October 3, 1823, in Hanover Neck, Morris County.²¹

Surprisingly this long pension saga does not end with Elizabeth’s death. On October 29, 1829, the heirs of Elizabeth Dunham—her son Jonathan K. Horton, her daughter Phebe Crosby, and son-in-law Ananias Cooper—took up Elizabeth’s claim and petitioned the New Jersey Legislature for additional compensation. The heirs probably argued that Elizabeth had not been compensated for the substantial difference between the value of Continental currency and legitimate specie, as other pensioners had been, and that the State only paid her for about five of the nine years of back pension payments she was owed. This petition failed on January 8, 1830.²²

Detail of *A Sketch of the Northern Parts of New Jersey* (1781) by Benjamin Morgan and Thomas Millidge. Courtesy of Library of Congress Geography and Map Division, Washington, D.C. The arrows mark Black River, an early name for Roxbury, where the Hortons lived, and Mendham, where Jonathan Horton tended to smallpox victims and caught the disease himself.





Finally, in 1818, Elizabeth's pension was reinstated. "An Act for the Relief of Elizabeth Dunham late Elizabeth Horton, 6 February 1818, p. 1. New Jersey State Archives; Department of State.

Conclusion

In the midst of war, poor recordkeeping and a clerical error in the Continental Army hospital department probably caused Elizabeth (King) (Horton) Dunham's pension troubles. As a result she not only raised her children without a husband, she did so with little assistance—even though a pension should have been paid to her throughout her widowhood.

The paper trail generated for this case by Elizabeth and the State of New Jersey was extensive and exceptionally useful to me, both historically and genealogically. From the heir petition in the legislative journals, I found proof that my ancestor Jonathan K.

Horton was the son of Dr. Jonathan and Elizabeth (King) Horton, and I discovered that Doctor Horton served in the Continental Army as assistant surgeon. I also learned the married surnames of the couple's two daughters; the given name of Elizabeth's second husband, Benue Dunham; the month and year of Elizabeth's second marriage; and many other details.

Ultimately, the most poignant discovery was of Elizabeth's long struggle with the state legislature, and the insight into her character. I admire her tenacity and unyielding determination over thirty years to be treated fairly. When I first read in the 1786 petition that she thought "hard of having her Warrant revoked without being heard" and insisted on arbitration so that "she may Personally appear and speak for herself," I knew she must indeed have been exceptional. I am proud she fought so hard. I am glad she eventually prevailed. ♦

Notes

- ¹ Rev. Azariah Horton (1715–1777) of Southold, New York, a 1735 Yale graduate, served as a Presbyterian missionary to Native Americans on Long Island in the 1740s, was a founder of the Presbyterian Church in Bottle Hill (now Madison), New Jersey, and a Revolutionary War Patriot. Azariah was a great-grandson of Barnabas Horton (1600–1680) of Southold. See George Horton, *Horton Genealogy* (Philadelphia, 1876), 183–84.
- ² Joan Burstyn, *Past and Promise: Lives of New Jersey Women* (Syracuse, N.Y.: Syracuse University Press, 1997), 24. Eunice (Foster) Horton (1722–1778) of Shinnecock, Long Island, was a mother to seven children and an active partner in running the family store and farm. She and her husband also founded a church-affiliated classical school.
- ³ "F.K. of Rahway, N.J.," "Genealogy of a Branch of the King Family," *The New England Historical and Genealogical Register* 11 (1857): 357–58. Constant King (1711–1780), of Southold, was an early settler of Morris County, N.J., moving to Black River (later Roxbury, now Chester), shortly before 1753. He was known as "Justice King" after becoming a judge in 1771. His

- wife Phebe (Horton) was a descendant of Barnabas Horton (1600–1680) of Southold.
- ⁴ *Minutes of the Provincial Congress and the Council of Safety of the State of New Jersey* (Trenton, N.J., 1879), 394, 485; and B.F. Heitman, *Historical Register of Officers of the Continental Army During the War of the Revolution* (Washington, D.C., 1893), 229.
- ⁵ "Sketch of Colonel Ephraim Martin, of the New Jersey Continental Line," *The Pennsylvania Magazine of History and Biography* 34, no. 4 (1910): 481.
- ⁶ "Revolutionary Pension Records of Morris County," *Proceedings of the New Jersey Historical Society*, New Series I (1916): 89–91.
- ⁷ *Proceedings of the General Assembly of the State of New-Jersey*. See <https://dspace.njstatelibrary.org/xmlui/browse>.
- ⁸ *A Journal of the Proceedings of the Legislative-Council of the State of New-Jersey, Third and Fourth Sittings of the Fourth Session* (Trenton, 1780), 64–65; and "Legislative warrant for Elizabeth Horton, widow of Dr. Horton for half pay," 17 Mar 1780. Ms #10409, Revolutionary War Numbered Manuscripts, New Jersey State Archives, Trenton, New Jersey.

- ⁹ *Votes and Proceedings of the Tenth General Assembly of the State of New-Jersey, Second Sitting* (Trenton, 1786), 77–78.
- ¹⁰ "Petition of Elizabeth Horton to the Executive Council and General Assembly concerning the revocation of her widows pension," Morris Co., 10 Nov 1786, Ms 10411 C, Revolutionary War—Numbered Manuscripts, New Jersey State Archives.
- ¹¹ "Medical Department, Continental Army: Name, Jonathan Horton; Remarks, Surgeon in General Hospital; Died March 1780," Mss 6007, Revolutionary War Numbered Manuscripts, New Jersey State Archives. A Jonathan Horton who served as a surgeon in the Continental Army and died in 1780 is listed in William S. Stryker, *Official Register of the Officers and Men of New Jersey in the Revolutionary War* [Trenton, 1872], 73, 377. This man must be Dr. Jonathan Horton (son of Rev. Azariah) who died in 1777, not 1780; no other Dr. Jonathan Horton from New Jersey served in the Continental Army.
- ¹² "Certificate of Brig. Gen H[enry] Knox that Elizabeth Horton, widow of Dr. Jonathan Horton, should receive a widow's pension," New York, 8 Nov 1786, Original, Ms 10411 B1,

(continued on page 46)

These early photographic portraits of the Cutler women, spanning a little more than a decade, provide viewers with the changing dress of women and the evolving circumstances of the family. We see the simple dress of Elizabeth (Rockwood) Cutler, farm wife and tavern keeper, with her headwear; her middle-class daughter-in-law Nabby in partial mourning costume; and Elizabeth's accomplished

granddaughter Abigail and her wealthy granddaughter Mary, who patronized one of the best photographers in Boston. These few images illustrate the development of photography from a portrait-based phenomenon—which, like paintings, was intended to capture the likenesses of family members for posterity—to a means for documenting more frequent milestones like birthdays and weddings. And not only did

younger members of the family discover the entertainment value of posing—so, too, did the older Nabby and Betsey who sought amusement one afternoon. The photographic images also illustrate how one family moved from farm to city in two generations, and how the Cutler women reflect rapidly changing mid-nineteenth-century America. ♦

Notes

- ¹ Floyd Reinhart and Marion Reinhart, *The American Daguerreotype* (Athens, Ga.: University of Georgia Press, 1981), 30–31.
- ² Chris Steele and Ronald Polito, *A Directory of Massachusetts Photographers 1839–1900* (Camden, Maine: Picton Press, 1993), 58.
- ³ Nahum S. Cutler, *A Cutler Memorial and Genealogical History* (Greenfield, Mass.: Press of E.A. Hall and Co., 1889), 361–62; and *Massachusetts Vital Records to 1850* on AmericanAncestors.org. Elizabeth Cutler's death date was May 3, 1849 in the Massachusetts vital records and May 1, 1849 in the Cutler genealogy.
- ⁴ Middlesex County, Massachusetts Probate no. 5563 (Simeon Cutler, administration, 1799, LDS film #0386067).
- ⁵ *A Cutler Memorial* [note 3], 362; and *Massachusetts Vital Records to 1850* on AmericanAncestors.org.
- ⁶ *A Cutler Memorial* [note 3], 396–97 [note 3]; and *Massachusetts Vital Records to 1850* on AmericanAncestors.org.
- ⁷ American Daguerreotype (americandaguerreotypes.com/ch2.html), accessed July 13, 2015.
- ⁸ *Massachusetts Vital Records to 1850* on AmericanAncestors.org.
- ⁹ *A Cutler Memorial* [note 3], 394–95; and *Massachusetts Vital Records to 1850* on AmericanAncestors.org.
- ¹⁰ *A Cutler Memorial* [note 3], 396–97; *Massachusetts Vital Records to 1850* on AmericanAncestors.org; and *District of Columbia, Select Deaths and Burials, 1840–1964*, on Ancestry.com.
- ¹¹ *A Cutler Memorial* [note 3], 396–97.
- ¹² *The Washington Post*, May 11, 1905, 13.
- ¹³ *A Cutler Memorial* [note 3], 396–97; and *Massachusetts Vital Records to 1850* on AmericanAncestors.org.
- ¹⁴ Gravestone of Mary Lucretia Leland (#55305483) at FindAGrave.com.
- ¹⁵ Joan L. Severa, *My Likeness Taken: Daguerreian Portraits in America* (Kent, Ohio: Kent State University Press, 2005), 141.
- ¹⁶ Steele and Polito, *Massachusetts Photographers* [note 2], 48.

(Half-pay pension, continued from page 36)

- Revolutionary War—Numbered Manuscripts, New Jersey State Archives.
- ¹³ *Votes and Proceedings of the Eleventh General Assembly of the State of New-Jersey, Second Sitting* (Trenton, 1787), 22.
 - ¹⁴ *History of the First Presbyterian Church, Morristown, N.J., Part II Combined Registers, 1742 to 1885* (Morristown, N.J., 1885), 109: "Horton, Elizabeth, wid.; m. 10 May 1794. ____ Benger." (Benue Dunham's given name was mistaken for his surname.)
 - ¹⁵ "Petition of Elizabeth [Horton] Dunham, widow of Dr. Jonathan Horton, to the State Legislature concerning the depreciation in value of the Continental currency in which her Widow's pension was paid," 16 Feb 1795, Ms 10411 D, Revolutionary War—Numbered Manuscripts, New Jersey State Archives. Two petitions from Elizabeth, submitted in 1786 and 1795, are held in the New Jersey State Archives. Entries in N.J. legislative journals show that Elizabeth filed at least two additional petitions which no longer exist.
 - ¹⁶ *Votes and Proceedings of the Nineteenth General Assembly of the State of New-Jersey, Second Sitting* (Elizabethtown, N.J., 1795), 63.
 - ¹⁷ *Votes and Proceedings of the Twentieth General Assembly of the State of New-Jersey, Second Sitting* (Trenton, 1796), 11.
 - ¹⁸ *Votes and Proceedings of the Twenty-Third General Assembly of the State of New-Jersey, Third Sitting* (Trenton, 1799), 73.
 - ¹⁹ "Affidavit sworn by John Cary on Feb 9, 1799, that Jon. Horton died at his broth-in-laws home in the Spring of 1777," Mss 6936, Revolutionary War—Numbered Manuscripts, New Jersey State Archives.
 - ²⁰ *Votes and Proceedings of the Forty-Second General Assembly of the State of New-Jersey, Second Sitting* (Morristown, N.J., 1818), 164; and *Acts of the Forty-Second General Assembly of the State of New-Jersey, First Sitting* (Trenton, 1818), 99–100.
 - ²¹ "Registers of Payments for Pensioners, Pupils in Charitable Institutions and Salaries of State Officers, 1821–1870," series STSTR009, Book A, p. 11. New Jersey State Archives.
 - ²² *Votes and Proceedings of the Fifty-Fourth General Assembly of the State of New-Jersey, First Sitting* (Trenton, 1830), 85. Jonathan and Elizabeth (King) Horton had four children, probably all born in Roxbury (now Chester), N.J.: Eunice (Horton) Cooper; Phebe (Horton) Crosby; Azariah (1774–1822); and Jonathan K. Horton (1777–1848).