

Commonwealth of Massachusetts.

CITY OF LOWELL

City Clerk's Office, July 17, 1916

CERTIFICATE OF RECORD OF DEATH

Name of Deceased John Conway Age 26 Yrs. --- Mos. --- Days

Date of Death November 27, 1865 Date of Record -----

Sex, Male Color, White, Condition, Married

Residence and place of Death (the same unless specified) Lowell, Mass.

Maiden Name, ----- Husband's Name, -----

Occupation, ----- Birthplace Ireland

Name of Father, Owen Conway Maiden Name of Mother, Mary -----

Birthplace of Father, Ireland Birthplace of Mother, Ireland

Disease or Cause of Death, Consumption

Place of Burial or Removal, Yard 3, Range 21, lot 19, grave 1, Lowell, Mass.

I certify the foregoing to be a true extract from the Record of Deaths in the City of Lowell. This cetificate is issued under the provisions of Section 14, Chapter 29, Revised Laws.

WITNESS my hand and the seal of the said city of Lowell on the day and year first above written.



Stephen H. Hyslop City Clerk



Claim of JULIA A. CLARK

Orig: 1069517

C O P Y M A R R I A G E R E C O R D

Marriages City Lowell, Mass year 1867

Number

198

Date

May 25, 1867

23

William H. Clark : age: mechanic: birthplace England: parents
John H. and Jane; first marriageMary R. Wilson : 19: birthplace England: parents John and
Sarah: first marriage

Married by Rev. Theo Edson Record Vol. 200 page 194 A TRUE

COPY

Chas. G. Townsend
Special ExaminerBoston, Mass
Feb. 1, 1923
Dep. I

SEARCH MARRIAGE RECORDS MASSACHUSETTS

I hereby certify that examination of the State Wide
Marriage Records of Mass. covering period 1856 to 1873
(October) fails to show any prior marriage on the part
of Julia A. Foy , Foye or Fay, or any prior marriage on
part of William H. Clark other than to Mary R. Wilson.

Over

16

17

There is no record showing the marriage of John Conway or Conaway and Julia A. Foy or Fay, but following record is found

BIRTH RECORD

Births Acton year 1862

Number 14

Date April 8, 1862

Name Mary Conway
Female

Father John Conway

Mother Julia Fay

Occupation father Laborer

Birthplace Ireland

Do, mother "

Record Vol. 151 page 90 A TRUE COPY

Boston, Mass

Chas. G. Townsend
Special Examiner

Feb. 1, 1923

Dep. J

3-1876

DEPARTMENT OF THE INTERIOR

BUREAU OF PENSIONS

WASHINGTON, D. C.

Cambridge, Mass., April 21 1923

The Commissioner of Pensions,

Sir:

Subject

Orig. 1069517
 Julia A. Clark, widow
 William H. Clark,
 C 6th Mass. Inf.

Reference

for special examination to ascertain what could be learned as to first wife of soldier, and whether she is dead or divorced: also to determine whether claimant and soldier lived and cohabited as man and wife and were so generally recognized from date of marriage until death, - see Exhibit A.

Action

NOTICE served and receipt acknowledged. All rights of personal presence or representation during taking of testimony waived.

Reputation of applicant determined by inquiry. Same always good in every way.

Remarks

This claimant is totally deaf, nearly blind, and it was only by typewriting questions in capitals that I was able to secure any sort of a statement from her. I am satisfied from my inquiry and her demeanor that she has always been a good woman, and that it is true that neither she nor her son ever had any idea that soldier had been married before he married her until after his death. This may seem strange but it is undoubtedly true. Lowell has always been distinctly a large Mill City, full of changing and transient workers, and I have found that in a city of such class it is more difficult to find persons knowing even their temporary next door neighbors that it is in the cities of larger size.

Soldier was known as a very reticent man. He was a quiet, sober, silent citizen of English birth. He seems to have counted this first marital venture of his as nothing: he twice denied that he had ever been married except to

Page 5

claimant.

There is absolutely nothing to indicate that this Mary R. Wilson to whom he was married May 25, 1867 had any kin folks in Lowell at time of their marriage. The directories do not list her in 1865 and 1866, nor do names of her reputed parents appear. There is no record showing the death in Mass. at any time since May 25, 1867 of any woman named Mary R. Wilson or Clark with parents John and Sarah. In view of fact that the record of marriage of soldier to this woman shows names of his parents as John H. and Jane whereas record of his marriage to claimant shows their names as John and Sarah it was thought possible that there had been an error when license was obtained either in 1867 or 1874, and it may be that there was. In my search in endeavor to trace this Mary R. Wilson I have been mindful of this possible mistake but have found no record showing remarriage of any Mary Wilson with parents listed as John and Jane either.

I found that for years following about 1866 one Mrs. Jane Wilson was named in directories as living in Lowell at 18 Linden Avenue and that there was a Mary J. Wilson listed as of same address. I have determined that this Jane Wilson was widow of James and when she died administration of estate showed that Mary J. was still living and unmarried. It may be stated in this connection that the surname Wilson was a rather common one at Lowell in the 1860s and 1870s and for that matter still is.

Deponent John W. Clark, son of claimant and soldier, is reported to me as being an absolutely honest and reliable man. He is said to be a duplicate of his father. It is certain that he has been a faithful son caring for his mother to the point of self deprivation. He informs me that he has spent dozens of days endeavoring to find someone who might know what became of this Mary R. Wilson to whom his father was first married, and that while he found a very few who had indistinct recollection of the marriage he could discover no one who knew anything as to where she went or whether or not she had died before his father remarried. As Geo. E. Hart and wife state she appears to have just disappeared. I have myself spent the better part of three days endeavoring to find someone who might have some knowledge bearing upon the question at issue and have had others, city officials interest themselves in matter, and have been entirely unable to develop any clue as to where she went.

It is certain that soldier executed his libel for divorce only about a month antecedent to his marriage to claimant. He might have learned during this period that said first wife had died. This seems unlikely for the reason that he twice stated in marital circular replies that he was never married before he married claimant. If he had had knowledge that the first wife had actually died prior to Oct. 26, 1873 there would have been no necessity for such concealment unless he had idea that, while his information was believed to have been accurate it would have been a difficult matter to prove.

RECEIVED

SEP 10 1873

DEPT. OF JUSTICE

RECEIVED

3-1876

DEPARTMENT OF THE INTERIOR

BUREAU OF PENSIONS

WASHINGTON, D. C.

There was no concealment of the fact of prior marriage when license was procured for his marriage to the claimant. It is evident that there is a mystery in the matter somewhere. He is said to have been an intelligent man and it is unlikely that he considered that the filing of a libel for divorce was sufficient warrant for the contracting of another matrimonial bond.

In any event it is plain that soldier and claimant lived amicably and faithfully as recognized man and wife from date of marriage until date of his death. In this connection I have verified affidavit of Samuel R.W. Willia and John J. Winn, B.J. 13 which can be given full weight. It would be an easy matter to produce any quantity of evidence as to continued cohabitation and recognition as man and wife.

The fact of first marriage as shown: the filing of libel for divorce so closely antecedent to remarriage to claimant, the later concealment by soldier and omission of reference to first marriage, - all point to existence of an actual impediment between to lawful marriage between soldier and claimant Oct. 26, 1873. Admitting existence of this impediment there is no data available whereby it can be determined how same was removed. For that reason there is no seeming value in production of proof as to the recognized status of claimant and soldier. Presumptions of death have been made by the courts of this state, which is the state wherein the ceremony occurred and wherein right to pension accrued, but the common law rule has been basis and in this instance a period of only three and one half years (or a trifle more) intervened between desertion by the first wife and ceremony with claimant.

It is regarded as unfortunate for the reason that this claimant was manifestly entirely innocent in matter and case is one wherein genuine and deserved benefits would accrue especially to an ever faithful son in his effort to have his mother receive suitable care.

It has occurred to me that possibly the action of the soldier was based upon discovery that his marriage to Mary R. Wilson was not legal, but void because she had an undivorced husband on May 25, 1867, but examination of the Marriage Records of Mass. fails to show any prior marriage on her part.

I have handled no other case in New England wherein have come so up against a blank wall in matter of determination of facts as to what became of a missing consort, nor one in which data was not developed whereby facts as to dissolution of a bond could not be determined. George E. Hart says he understood that this first wife left Lowell with some

Page 7

man but he has no idea name of that man, and could refer me to no one who would know anything about said first wife. He was fully questioned as to where she lived after leaving soldier and he knows nothing as to whether she remained a time in Lowell or not. He told me that he always heard that this Mary Wilson was given to drink and to consorting with low characters. I sought out and interviewed eight persons of the surname Wilson in Lowell but found no one of them ever heard of the Mary R. Wilson who married soldier or of her parents.

The affiants as to claimant's marital history, John Bradley and Honorah Coughlin, B.J. 10, are deceased. I was unable to find any record of marriage of claimant to John Conway as alleged but did find record of births of two children to them.

I regret to be obliged to return papers in this claim without further information as to whether soldier's first marriage was or was not dissolved, but there appears to be no other course.

While the courts of this state have uniformly held that an attempted marriage where one party had a living and undivorced prior consort was absolutely void, and, prior to the Statute of May 1896, did not recognize the common law status in any form except to entertain proof of cohabitation and recognition in instances wherein parties had been charged with fornication, there would appear to be a possibility that there might be warrant for legal presumption that soldier's first wife died prior to June 27, 1905, and that from that date claimant and soldier were lawful man and wife. There is nothing to point to her death: she was younger than soldier: it is stated that her habits were conducive to early demise, but even as to that feature no direct evidence is obtainable.

In event of necessity for denial of pensionable status under the law, case is one marked as worthy of special legislation but there is scant chance of the survival of the claimant until such time as such action could ensue.

Recommendation

Consideration Chief Board of Review,

Respectfully submitted,

Chas. G. Townsend
Special Examiner.

3-289a.

(For typewriter.)

Case of JULIA A. CLARK

No. 1069517

On this 8 day of April, 1923, at Lowell
 county of Middlesex, State of Mass before me,
 Chas.G.Townsend, a Special Examiner of the Bureau of Pensions,
 personally appeared Julia A.Clark, who, being by me first
 duly sworn to answer truly all interrogatories propounded to her
 during this special examination of aforesaid claim for pension,
 deposes and says:

6-5121

1 My age is 83 residence and post office address 710 Bridge St.,
 2 Lowell, Mass

3 I am the claimant. I claim pension as widow of William H.
 4 Clark, who served during Civil War in Co.C 6th Mass.Inf.and
 5 who died here in Lowell at 15 Olive Street, July 12, 1916.
 6 I am sure that my husband had just the one service in army and
 7 that he was never in the U.S.Navy or Marine Corps.He was a
 8 pensioner at date of his death and got \$18 a month.

9 Yes, I claim that I am the legal widow of said William H.
 10 Clark. I was married to him right here in Lowell Oct.26, 1873
 11 We were married at St.Patricks Parish House by Father McManus.
 12 Yes, license was obtained and we were regularly married as re-
 13 quired by law.

14 I had been married once before my marriage to soldier.My
 15 first marriage was to John Conway, who died in Lowell Nov.27, 1865
 16 of consumption. My maiden name was Julia A.Foy. I was born in
 17 England; my father was Michael and my mother Catherine Foy.
 18 I did not remarry from date John Conway died until I married
 19 William H.Clark. I have had just two husbands in my life and
 20 no more. I lived in Lowell from date John Conway died until
 21 my remarriage and never lived any other place thereafter to
 22 present. I have stayed at times with my daughter by John Conway
 23 at S.Acton.

24 Yes, I lived with soldier from day we married until day he
 25 died. I was constantly known as his wife, was so recognized by
 26 him and by everybody who knew us. I was never separated or di-
 27 vorced from him. I was living right with him day he died. I have

Page 4

28 not remarried since his death.

29 William H. Clark never said a word about his first wife

30 either before or after he married me. I never knew a thing about

31 her until after he died. We were surprised when we learned about

32 her. I never knew there was such a person on earth. I know nothing

33 at all as to what became of her. I know nothing at all

34 as to how long they lived together, or where she went when they

35 separated. I know nothing about whether she had died before he

36 married me or where she died if she had. I know nothing about

37 whether there was any divorce between them before he married

38 me. I can name no one who will know when and where she died

39 or when and where their marriage was dissolved and how.

40 I do not understand this fully but my son can tell you all

41 about it.

42 I have received notice and you have written here and now

43 that I have the right to be present during taking of testimony.

44 I do not care to be or to have anyone else there.

45 Have hear (exased) read this and it is correct

46

47 *J. M. Clark*
Deponent.

48

49 Subscribed and sworn to before me this 8th day of April 1923

50 and I certify that contents were fully made known to deponent

51 before signing.

52 *Chas. G. Townsend*
Special Examiner

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3-289a.

(For typewriter.)

Case of JULIA A. CLARK

No. 1069517

On this 8 day of April , 1923 at Lowell
county of Middlesex , State of Mass before me,
Chas.G.Townsend , a Special Examiner of the Bureau of Pensions,
personally appeared John W.Clark , who, being by me first
duly sworn to answer truly all interrogatories propounded to him
during this special examination of aforesaid claim for pension,
deposes and says:

1 My age was 47 June 18th last: boxmaker: residence and post office
2 address 27 Ellsworth St., Lowell, Mass.

3 Julia A.Clark is my mother: William H.Clark was my father.
4 He died seven years ago either 11th or 12th of coming July.
5 I lived with my parents from my birth: all my life .Last two years
6 she has lived where she is now.I have had to have her taken care
7 of and have had to change her around quite a few times.

8 Yes, from time I knew anything my father and mother lived to-
9 gether as man and wife and were so known.They were so living at
10 date of his death. Everyone knew them as husband and wife and
11 they so lived.

12 Yes, I have always understood that my mother was first married
13 to John Conway.Know that had half sister named Catherine, called
14 Kate, who married an Ineson and who is now dead: that is only
15 child knew of my mother having by her first husband.I have al-
16 ways understood that mother was born in England and came to this
17 country with a brother when about 13 years old: she was a weaver
18 after she grew up and worked around mills.Most part of her life
19 has spent in Lowell. I have always been told that mother's first
20 husband died here and he is buried up here I know.It was a number
21 of years after his death that mother married my father.I have
22 always understood and believe that she has had just the two hus-
23 bands. When I was a little child I saw her brother Henry Foy and
24 he then lived in Boston.I suppose he is dead years ago as he was
25 considerably older than mother. I have no known relatives on her
26 side at all and none on father's.

27 No, during lifetime of my father I never knew that he had

28 been married before he married mother. He never told me about
 29 any prior marriage or referred to such marriage at all and it
 30 was only after this pension matter was started that I learned
 31 that he had been married to a Mary R. Wilson here in Lowell and
 32 that he had started to get divorce from her. I found out that
 33 this divorce action was dismissed after he had married mother
 34 and after I was born. Since learning this I have tried every
 35 way to find people who knew her but although I interviewed many
 36 here who knew father way back and travelled around a lot I could
 37 never find out a thing about who her people were, or where she a
 38 came from or where she went to. I found some who seemed to think
 39 that she had died but if she did I know nothing at all about
 40 where she died or when she died. I do not know a thing in the
 41 world about whether she had or had not died before father mar-
 42 ried mother. I do not know a thing about whether she had procur-
 43 ed divorce before that marriage. This was the greatest shock of
 44 my life when I found that father had been married before his
 45 marriage to mother and that he started this divorce and did not
 46 obtain one before he married. My mother never a thing a world
 47 about his having had a prior marriage, I am sure, until after his
 48 death. He never said a word about it to her. I am absolutely cer-
 49 tain that mother never knew anything about that woman. I have
 50 been told that father stated that he was never married before.
 51 All I can say is that he concealed that first marriage for some
 52 reason. I cannot think that he would have married mother unless
 53 he had then received some word that his first wife was dead. I
 54 always knew him as a good man in every way. He always thought
 55 the world of mother: they lived faithfully together for over 40
 56 years. I can give no information whatever whereby it can be de-
 57 termined what became of this Mary R. Wilson that father apparently
 58 married here in 1867. As I have stated I have done everything
 59 could think of to learn facts about her history but could learn
 60 nothing. I know of no one in the world who would know a thing
 61 about her history.

62 Have heard foregoing deposition read and it is correct

6-5121 Subscribed and sworn to before
 me this 8th day of April 1923 & John W. Clark
 I certify that contents were
 fully made known to deponent before signing Deponent

Charles E. Johnson
Special Examiner

W. O. 1069,517

Dec. 2, 1919

we known chnt
sold for many
cars.

NAME OF PENSIONER.

Proof non-remarriage

Places of residence of
ice sold's death

It also appears
at chnt may
we title as
married widow
John Conway.

JWB
12-2-19

NAME OF PENSIONER.

J North

To Atty Chnt

In view of chnts
inability to furnish
evidence as to non-
prior mar. of sold.
suggest that she
be called upon to
furnish testimony
of two witnesses
showing non-divor-
and cohabitation
to sold's death.

John Bradley and
Honora Loughlin
may be qualified
to testify on these
points. Test of
Sam'l A. Irkon and
John J. Toim only
covers 20 years back
and Thomas McDonough
and George E. Hart
merely state they

3-416

Rec B.

Dir. Mar. Division

DEPARTMENT OF THE INTERIOR
BUREAU OF PENSIONS

Washington, D. C., Nov 11, 1916

No. Claim, 1.069.517

Cert. No. 1.054.518

Claimant, Julia A. Clark

Soldier, Wm. H. Clark

Co. C, 6 Mass Inf

Respectfully, referred to the
Chief Rec Dir.
for cross-reference
with (Service of)

John Conway
C. E. 6 Mass Inf.
a former husband
of the claimant.

RECORDED
NOV 11 1916
DIVISION

John S. Newman
Chief of Dir. Mar. Division.

3-416

Rec B - Dir. Mar.

DEPARTMENT OF THE INTERIOR
BUREAU OF PENSIONS

Washington, D. C., Nov 11, 1916

No. Claim, 1.069.517

Cert. No. 1.054.518

Claimant, Julia A. Clark

Soldier, Wm. H. Clark

Co. C, 6 Mass Inf

Respectfully, referred to the
Chief of Rec
Dir. for search-
if any claim filed
by

John Conway
C. E. 6 Mass Inf.
or by said Conway.
if s. furnish numb.
of same.
John S. Newman
Chief of Dir. Mar. Division.

RECORDED
NOV 11 1916
DIVISION

Dec. B.

Div.

Ex'r.

DEPARTMENT OF THE INTERIOR,
BUREAU OF PENSIONS,

WASHINGTON, D. C.

1916

The Adjutant-General,
War Department:

For use in the claim indicated below, you are respectfully requested to furnish this Bureau a full military and medical history and personal description, including birthplace and occupation,

of John Conway,
who, it is alleged, entered the service

as a

in Co.

Reg't

and was discharged

No other data given

Received A. G. O. OCT 9 1916

It is also alleged that on or about

he was disabled by

and was treated in hospitals, as follows:

Please report physical defects noted at enlistment

No.

1069517

Commissioner.

VOLUNTEER SERVICE.

(Civil War or War with Spain.)

WAR DEPARTMENT,
THE ADJUTANT GENERAL'S OFFICE.

Returned to

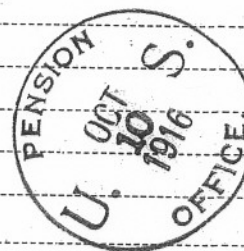
Commissioner of Pensions.

John Conway
Co. E, 6 Reg't Mass. Inf. (100 days '64)
age 26, height 5 feet, 6 inches,
complexion light
eyes blue, hair brown
place of birth Limerick Ireland
occupation farmer
was enrolled July 15, 1864
and MO OCT. 27, 1864,
with Co.

From M. J., 18 to MO, 18
he held the rank of Priv

and the rolls on file for that period do not show him absent except as follows:

No medical record found.



H. P. McCain
The Adjutant General.

Washington, D. C., OCT 9 1916

(Commissioner of Pensions.)