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Thomas Johnson -- heirs of.

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THOMAS JOHNSON—HEIRS OF.

JANUARY 9, 1838.

Read, and laid upon the table.

Mr. BIRDSALL, from the Committee on Revolutionary Claims, made the following

REPORT :

The Committee on Revolutionary Claims, to which was referred the petition of the heirs of Thomas Johnson, praying for commutation pay, report :

That they have had the papers in this case under consideration, and have carefully examined the same, and have arrived at the same conclusion adopted by the Committee on Revolutionary Claims the 10th day of May, 1836, *that the claim for commutation pay is not sustained.* The committee ask leave that the report made by that committee may be considered as part of their report. That the matters of fact in this case are truly set forth in that report. The committee also report, that the petition in this case, with the papers accompanying the same, were referred to the Committee on Revolutionary Claims, January 17, 1837—that committee was discharged from the further consideration of the same. The report of the committee the 10th May, 1836, is as follows :

MAY 10, 1836.

The Committee on Revolutionary Claims, to which was referred the petition of the heirs of Thomas Johnson, jr., praying for commutation pay, report :

That it appears, from the documents accompanying said petition, that the said Thomas Johnson, jr., of Louisa county, Virginia, was in the revolutionary service on the 7th of March, 1776, in the capacity of a captain, as shown by an extract from the journals of the committee of safety.

John Maddon, said to be about sixty-nine years old, in an affidavit, states that he became acquainted with Thomas Johnson, jr., of Louisa county, Virginia, in December, 1782; that he was a captain, &c., and took the command of the company in which said Maddon was a private; that they marched to Winchester, joined the brigade of General Muhlenberg, and was discharged in June, 1783, by the said Captain Thomas Johnson, jr.; that said Johnson afterwards had command of a regiment destined to act against the Indians in Illinois, and that the troops were discharged at the *Point of Fork*, in the county of Fluvanna, in October, 1783, by the same officer.

Robert Williams, aged about 80 or 85 years, in an affidavit, states that he knew Captain Thomas Johnson as a captain in the regular or continental army; that he served with him, was commanded by him, and was discharged by him in 1783; and that he knows that Captain Thomas Johnson served until the close of the war.

Two other affidavits of aged men, one of whom is certified to be eighty-eight years old, are exhibited to corroborate the same fact.

A certificate from the General Land Office is also given, and a statement from the Department of State, showing that a warrant for 2,666 $\frac{1}{2}$ acres of land was issued by the State of Virginia to the heirs of said Johnson for military services for three years, from 1776 to 1779, in the Virginia continental line, and satisfied by the issue of scrip.

In a letter from Peter Hagner, Esq., dated 16th September, 1833, to the Hon. R. M. Johnson, we find the following:

"In reply, I have to state that the name of Captain Thomas Johnson does not appear on the revolutionary records of either this or those of the Pension or Bounty Land Offices. From Mr. Dickens, of the Treasury, I have received a note, in reply to an application made to him, of which the following is a copy:

"Thomas Johnson, jr., of Louisa county, Virginia, captain in the continental line in 1776, *resigned*, and the date of the resignation not given."

Without the least intention of impugning the honesty of those who testify to facts and dates so remote, the committee believe that the memory of persons of more than eighty years of age cannot be relied upon against recorded facts. The grant of bounty land by Virginia was for three years only. His service is shown to have commenced in 1776. His name is not returned as being entitled to bounty land from the United States or to half pay. His resignation, as shown in Mr. Hagner's communication, would preclude both.

Upon this view of the facts, the committee have come to the conclusion that the claim for commutation pay is not sustained.