

REPORT

Of the Committee on Pensions, &c. upon the petition of Edmund Brooke.

JANUARY 7, 1825.

Read, and committed to a committee of the whole House on Monday next.

The Committee of Pensions and Revolutionary Claims, to which was referred the petition of Edmund Brooke, make the following

REPORT THEREON:

The petitioner states that, in February 1781, he was appointed first Lieutenant in the first regiment of Virginia Artillery; that he remained with his regiment until the siege of Yorktown, when, being extremely ill, he was compelled to ask a furlough for a few weeks; that the said regiment was ordered to the southward, to join General Greene's army, where it remained during the war; that the petitioner held himself in readiness to obey any call which should be made upon him, and remained an officer in the said regiment to the end of the war; that, after the conclusion thereof, he obtained the necessary vouchers, and received from the state of Virginia that portion of pay which it had pledged itself to pay to its officers and soldiers of the continental line, also a bounty in lands allowed a first lieutenant who had served to the end of the war; that he, at the same time, and frequently since, applied to Andrew Dunscomb, the assistant army agent in Virginia, to be allowed a certificate for the balance of his pay, depreciation, and commutation, but was refused, on the ground that his name was omitted in the last pay-roll of his regiment, the document on which the accounts of officers similarly situated have been liquidated; that he afterwards applied to the Legislature of Virginia for redress, and, at length, discovered that his resort was to the Legislature of the United States. This petition bears date December, 1802, and appears to have been first presented in February, 1803, and has been repeatedly referred to the Committee of Claims, and to this committee, and as often rejected.

From the documents submitted to the committee, it appears that the petitioner was a lieutenant in the army, as stated, though no

commission, or record of appointment, has been produced; that, "a few weeks" before the siege of Yorktown, he left the army, in consequence of indisposition; that he never after joined his regiment, or the army, nor was ever after in actual service, nor ever reported himself as in readiness, or fit for service. It further appears that he received from the state of Virginia the proportion of land allowed a lieutenant of the continental line, who served to the end of the war—on what evidence, does not appear. It also appears, that, on the seventh day of December last, he, as lieutenant, as aforesaid, received from the Secretary of War a land warrant for two hundred acres of land. On what evidence this was granted, does not appear.

The only question is, whether the petitioner shall be presumed to have served to the end of the war, so as to entitle him to pay, commutation, &c. contrary to the acknowledged fact, that *he did not serve*, after he left the army, previous to the siege of Yorktown, and against the further evidence, that his name was not on any pay roll, at the end of the war, and does not appear to have been on any, after the siege of Yorktown. The officer of the United States, whose business it was to adjust this, and similar claims, at the close of the war, decided against it, when all the facts were fresh in the knowledge of all. The committee do not believe that a lapse of more than forty years, twenty of which expired before any claim was made on the Government of the United States, can have thrown any additional light on the subject. The committee would further state, that it appears, by a letter from the Third Auditor, which they request may be considered a part of this report, that the petitioner was not considered in the service of the United States in the years 1782 and 1783. Indeed, it would seem extraordinary if he had been, when the fact is, that he was not actually in service more than seven months, if so long, having, according to his own statement, been appointed a Lieutenant in February 1781, and having left the army "a few weeks" before the siege of Yorktown, which commenced the first of October 1781.

The committee beg leave to refer to a report of the Committee of Claims, of the 19th of January, 1811, and to a report of this committee, of the 23d of December, 1817, on this petition. They recommend the adoption of the following resolution:

Resolved, That the prayer of the petitioner ought not to be granted.

TREASURY DEPARTMENT,

Third Auditor's Office, Jan. 1st, 1825.

SIR: I have the honor to acknowledge the receipt of your letter of the 30th ult. enclosing the petition and accompanying papers of Edmund Brooke, late lieutenant of the Virginia line, in Harrison's artillery, during the Revolutionary war, claiming pay and commutation as an officer serving to the end of the war, and requesting that I

would make "a detailed statement, he having recently obtained his bounty land." In reply, I have to state, that, on this latter point, I have no information in this office, the land warrants being issued by the Secretary of War. On the subject of the pay and commutation claimed as an officer serving to the end of the war, I have had recourse to all the records left of that period, though they are extremely imperfect, and can find no evidence of such service. It would appear, however, from the certificates of Mr. Dunscomb, the agent appointed to distribute the final settlement certificates after the war, filed with the petition, that "the petitioner's name did not appear on the official return made to him by the paymaster of the regiment commanded by Col. Charles Harrison, which was the evidence by which the accounts of that regiment was settled, the same being founded upon the last musters that were made, and the best information that could then be had on the subject," and, therefore, was not settled with by him. It could not therefore be expected, were all the records complete, that they would at this time furnish information, which, so recently after the war, they did not contain. It further appears, by another certificate of the same officer, that Lieut. Brooke received a settlement from the state of Virginia, on the 5th March, 1784, (this settlement, it is presumed, was for his pay, &c. in the year 1780, or 1781,) and from the statement of Lieut. Brooke, of his having remained with his regiment until the siege of Yorktown, (which, it is believed, was in October, 1781,) "and then being extremely ill, was compelled to ask a furlough for a few weeks," from which he does not allege he ever returned and joined his regiment, I infer that he was not considered in service after that period, whatever his own understanding on the subject was. There is, in corroboration of this fact, a statement in this office, of balances due the officers of the Virginia line, on account of three months' specie pay in 1782, and four months in 1783, on which the name of Lieut. Edmund Brooke is not to be found, though there are on the list the names, it is believed, of all the other officers of the Virginia line then in service. In conclusion, I can only therefore state what I have before reported, that Lieut. Brooke does not appear to have served to the end of the war.

The petition and accompanying papers are returned.

With great respect,

Your obedient servant,

PETER HAGNER, *Auditor.*

HON PETER LITTLE, *Chairman of the Committee
on Pensions and Revolutionary Claims, H. R.*

PETITION OF EDMUND BROOKE.

To the Honorable the Congress of the United States,

The petition of Edmund Brooke humbly sheweth, that, in the year 1781, in the month of February, your petitioner was appointed a first lieutenant in the first regiment of Virginia Continental Artillery; that he immediately repaired to his regiment, and remained with it until the siege of Yorktown, in Virginia, where, being extremely ill, he was compelled to ask a furlough for a few weeks; that the regiment, or rather the only two companies then full, and belonging to it, were ordered to the southward to join Gen. Green's army, where they remained during the war: that your petitioner held himself in readiness to obey any call which should be made upon him, and remained an officer in the said regiment to the end of the war: that, after the conclusion thereof, he obtained the necessary vouchers, and received from the state of Virginia that portion of pay which it had pledged itself to pay to its officers and soldiers of the continental line, also, a bounty in lands allowed a first lieutenant who had served to the end of the war, as will appear by certificate from the journals of the Council of Virginia, the Auditors' and Registers' office here, to be annexed: that your petitioner at the same time, and frequently since, applied to Andrew Dunscomb, the assistant army agent in Virginia, to be allowed a certificate for the balance of his pay, depreciation, and commutation, but was refused, on the ground that your petitioner's name had been omitted in the last pay roll of his regiment, the documents on which the accounts of officers similarly situated with your petitioner has been liquidated, as will appear by his certificate, hereto annexed. That your petitioner, uninformed of the true mode of redress, requested an application to be made to the legislature of Virginia; in the progress of which it was discovered that his resort was to the legislature of the United States: That, after various delays, arising from your petitioner's being tantalized with redress, first in one quarter and then in another, and much difficulty in procuring vouchers from the different offices, your petitioner forwarded his papers, some sessions past, to a gentleman of your body, who, being taken ill, was unable to exhibit them in time. Your petitioner, therefore, takes this occasion of exhibiting his pretensions, when he hopes they will receive the consideration due to their merits, and from that justice for which the legislature of the United States is so rightly famed; and that your petitioner may be allowed such compensation for his services as his brother officers, in like circumstances, have received: And your petitioner, relying upon that justice which admits of no diminution from the lapse of time, trusts, that the rules of limitation to claims upon the United States will be found inapplicable to his, when it is considered that the omission of a public officer, and no default in your petitioner, has been, with unavoidable circumstances, the causes of the delay which has occurred, and that it is supported by vouchers from the records of the country, equal in dignity to the records of courts,

against which, even in legal strictness, acts of limitation are over-run, and not by testimony and other evidence of a perishable nature. Upon the whole of the foregoing considerations, he humbly hopes his case may be impartially investigated, and that his claim for pay, depreciation of pay, commutation, and the bounty of land given by the United States to the officers and soldiers of the continental army who served until the end of the war, may be now liquidated and allowed him. And your petitioner shall ever pray.

December 1st, 1802.

To the Honorable the Congress of the United States,

The petition of Edmund Brooke humbly sheweth, That, in the month of February, in the year 1781, your petitioner was appointed a first lieutenant in the first regiment of Virginia Artillery, on the continental establishment; that he immediately repaired to his regiment, and remained with it until the siege of Yorktown, in Virginia; when, being extremely ill, he was compelled to ask a furlough for a few weeks: that the regiment, or rather the only two companies then full, and belonging to it, were ordered to join Gen. Greene's army in Carolina, where they remained during the war: that your petitioner held himself in readiness to obey any call that might be made on him, and remained an officer in the said regiment until the end of the war, when he obtained the necessary documents, and received from the state of Virginia that portion of pay which had been pledged to pay to its officers in the continental line, also, the bounty in land allowed to a first lieutenant who had served until the end of the war, as will clearly appear by a certificate from the journals of the Council of the state of Virginia, as well as from the Auditor's and Register's office, all which are hereto annexed. That your petitioner, at the same time, and frequently thereafter, applied to Andrew Dunscomb, the assistant army agent in Virginia, for a certificate for the balance of his pay, depreciation of pay, and commutation, but was refused the same, on the ground that your petitioner's name did not appear on the last pay-roll of his regiment; the document on which the accounts of officers similarly situated with your petitioner, were then liquidated—as will also appear by a certificate hereto annexed: That your petitioner, uninformed of the true mode of obtaining redress, applied to the Legislature of Virginia; in the progress of which application, it was discovered that his resort was to the Congress of the United States: that, after various delays, arising from your petitioner being tantalized, first with redress from one quarter, and then from another, and much difficulty in procuring vouchers from the different offices, your petitioner forwarded his papers, some sessions past, to a gentleman of your honorable body, who, being taken ill, was unable to present them in time; your petitioner, therefore, takes this occasion to exhibit his pretensions, in hopes that they may receive that consideration which may be due to their merits, and that justice

for which Congress are so rightly famed, and that your petitioner may be allowed such compensation as his brother officers, in similar situations have actually had and received; and your petitioner, relying on that justice which admits of no diminution from the lapse of time, trusts, that the rules of limitation to claims against the United States may be found inapplicable to his case, when it is considered that the delay in question has been produced by the omission of a public officer, and not from the default of your petitioner: this claim is supported by vouchers from the records of the country, equal in dignity to the records of courts, against which, even in legal strictness, acts of limitation never run; so that, upon the whole of the foregoing considerations, your petitioner humbly hopes that his case may be impartially investigated, and his claim for pay, depreciation of pay, commutation, and the bounty of land given by the United States to the officers of the continental army, who served until the end of the war, may be now liquidated and allowed. And your petitioner, as in duty bound, will ever pray.

EDMUND BROOKE.

I do certify, that Lieutenant Edmund Brooke is entitled to the proportion of land allowed a lieutenant of the continental line who has served to the end of the war.

THOMAS MEREWETHER,

Council Chamber, Feb. 19, 1784.

A copy from the original.

BENJAMIN HARRISON,

LAND OFFICE, MILITARY WARRANT No. 2541.

To the principal Surveyors of the Lands set apart for the Officers and Soldiers of the Commonwealth of Virginia.

This shall be your warrant to survey and lay off one or more surveys for Edmund Brooke, his heirs and assigns, the quantity of two thousand six hundred and sixty-six and two-third acres of land due unto the said Edmund Brooke, in consideration of his services for the war, as a lieutenant in the Virginia continental line, agreeable to a certificate from the governor and council, received into the land office.

Given under my hand, and the seal of the said office, this nineteenth day of February, in the year one thousand seven hundred and eighty-four.

JOHN HARVIE, *Register Land Office.*

The above is a true copy, taken from the Register of Warrants No 2.

Given under my hand and the seal of office, this 19th of December, 1795.

W. PRICE, *Reg. Land Office.*

It appears by the books in this office, that a certificate was delivered to Col. Duval, in the name of Edmund Brooke, Lieutenant of Artillery, amounting to £126 14s. dated 5th March. 1784.

JOHN CARTER.

Auditor's Office, Nov. 21, 1796.

Upon examining a memorandum book in my office, I find the name of Edmund Brooke entered thereon, as a Lieutenant of Artillery; but no such name appears in the official return made to me by the paymaster of the regiment commanded by Col. Charles Harrison; this last evidence was that by which the accounts of the regiment were settled, it being founded upon the last muster rolls. I am induced to suppose that application was made to me for a settlement of E. Brooke's account, but from his name not appearing on the above return, a settlement did not take place.

A. DUNSCOMB,

Late Asst. Com. Army Accts. Virginia.

[Duplicate.]

December 21, 1797.

From an examination of the books in the office of the Auditor for the State of Virginia, it appears, that Colonel Duval settled the account of Edmund Brooke, as a lieutenant of artillery, on the 5th day of March, 1784. It is therefore probable, that, at that, or no distant period, application was made at my office for a further settlement of the claim of the said Brooke. My office as Assistant Commissioner of Army accounts continued until the 1st of November, 1785, previous to which, I am satisfied the said application was made, but whether more than once I cannot say; the reasons for refusing a settlement have been before given.

A. DUNSCOMB,

Late Asst. Com. Army Accts. Virginia.

Richmond, 17th March, 1798.

It appears by the books in this office, that a certificate was delivered to Col. Duval, in the name of Edmund Brooke, Lieutenant of Artillery, amounting to \$126 14 0, dated 5th March, 1784.

JNO. CARTER.

Auditor's Office, Nov. 21, 1796.

Georgetown, Washington County, District of Columbia, to wit:

25th December, 1802.

Edmund Brooke, of Virginia, personally appeared before me, one of the Justices of the Peace for the county aforesaid, and made oath on the Holy Evangelists of Almighty God, that he received an appointment in the last war, as first lieutenant in the first continental regiment of Artillery, commanded by Colonel Charles Harrison, since deceased; that he immediately entered into the said service, and continued therein till a few days before the siege of York, when he left camp, in consequence of a very severe illness, which lasted for many weeks; that it was his intention, when he recovered, to join the said regiment again, which was rendered unnecessary by the capitulation of Lord Cornwallis; that, for his services, as an officer aforesaid, he never received any donation of land in the Northwestern Territory, which he was entitled to, and which he now claims.

Sworn before me,

THOMAS CORCORAN.

It appears from the record of military land warrants, that, on the 19th day of February, 1784, a warrant, No. 2541, issued in the name of Edmund Brooke, for two thousand six hundred sixty-six and $\frac{3}{4}$ ds acres, in consideration of his services for the war, as a lieutenant of the Continental line.

WM. PRICE, *Register.*

Land Office, Dec. 14, 1802.

I do hereby certify, that Edmund Brooke was a lieutenant in the first regiment of artillery on Continental establishment, and that he was in actual service in March, 1781, upon an expedition against Portsmouth (Virginia,) then occupied by the British troops. That, after that, he was with the Marquis de Lafayette's army until some time in July, when I was ordered to join the southern army. That he was always considered, by the officers of that regiment as one of the many belonging to the regiment, and not in actual service for the want of men, the regiment being reduced to two companies.

JOHN T. BROOKE.

I do certify that Edmund Brooke had an appointment in Colonel Harrison's regiment of artillery, as a commissioned officer, either in 1780, or 1781. I, myself, served the last two campaigns, during the war, to the south; therefore, cannot with certainty say he, the said Edmund Brooke, served during the war; but have generally understood he did. As for the three gentlemen mentioned in H. B. Brooke's certificate, Coleman, Bohannon, and Miller, were officers in the above mentioned regiment, and are all dead.

Given under my hand this 14th day of January, 1802.

L. BOOKER,

Formerly an officer in Harrison's Reg't of Artillery.

Essex County, ss.

The above certificate was sworn to before me, this 15th of December.

H. B. BROOKE.

In case of E. Brooke: Claim appears to be barred by limitation.
— for Mr. Dawson.

November 22, 1796.

Upon an examination of a memorandum book in my office, I find the name of Edmund Brooke entered thereon, as a lieutenant of artillery; but no such name appears in the official return made to me by the Paymaster of the regiment commanded by Col. Charles Harrison. This last was the evidence by which the accounts of that regiment was settled, the same being founded upon the last musters that were made, and the best information that could be then had upon the subject.

I am induced to believe that application was made to me for a settlement of E. Brooke's account; but the above deficiency operated against the same.

A. DUNSCOMB,

Late Assistant Commissioner Army Accounts Virginia.

[Here follows a roll of the officers in the Virginia line of the Revolutionary army, who have received land bounty in the states of Ohio and Kentucky; among which is that of Edmund Brooke, for 2666 acres of land.]

DEPARTMENT OF WAR,

January 15, 1818.

SIR: I have the honor to inform you that, on the receipt of your letter of the 10th inst., it was referred to Mr. Hagner, Third Auditor, who reports that "Edmund Brooke does not appear to have served to the end of the war, and the records of this office are too deficient to ascertain when he did leave the service."

I have the honor to be,

Your obedient servant,

J. C. CALHOUN.

Hon. JOHN RHEA, *Chairman, &c.*

(No. 1097.)

Pursuant to an act of Congress authorizing the Secretary of War to issue land warrants, and for other purposes, passed the 15th day of April, 1806, Edmund Brooke, who was a Lieutenant in the Virginia Line, is entitled to two hundred acres of land, to be located agreeably to said act, on any unlocated parts of the fifty quarter townships, and the fractional quarter townships, reserved by law for original holders of military warrants.

Given at the War Office, this seventh day of December, in the year of our Lord one thousand eight hundred and twenty-four.

J. C. CALHOUN,

Secretary of War.

Registered:

WM. M. STEUART, *Clerk.*

I hereby certify that the above is a copy of the original delivered to Mr. Brooke.

WM. M. STEUART.

November 27, 1824.

MY DEAR SIR: I have examined the papers filed with the petition of Mr. E. Brooke. The proofs appear to me conclusive, that he was appointed a first lieutenant in Harrison's regiment of continental artillery, in 1781—entered the service, and remained in it, until a short period before the siege of York; that, though not in actual service after that period, he held his commission, and was subject to the call of the country, until the end of the war. In this last respect, he was in the situation of four-fifths of the officers of that and other regiments,

there being no men to command, they remained at home, or on the recruiting service, all of whom received pay and commutation as if in actual service. I before stated to you, that he would have received his, with others, but for the circumstance that his name was negligently omitted in the last pay roll by which the final account was settled. Indeed, his certificates were made out by Mr. Dunscomb, and handed to me, and taken back by him, on observing that his name was so omitted, at the close of the war. Indeed during the two last campaigns in the south; but one, sometimes two, of the companies of that regiment were in service—the supernumerary officers all remained at home. As to Mr. Hagner's certificate to the Secretary, it cannot be relied on, as it appears that the records of the office were too deficient to ascertain when he left the service, it being shewn that he was in service; that he was in actual service for a campaign, it ought to be taken that he remained in service until the end of the war, unless the contrary appeared. I have before explained to you how I became interested in this claim; that need not be now recurred to, because Mr. B. holds himself bound, and it is to his interest, to assert his own rights. I wish you would take the trouble to suggest the state of his case to Mr. Calhoun. More injustice has not been done to any man: he came into the army at a most perilous period, a short time after I had joined it, when men and officers were tired of the service, and would have been in actual service to the end of the war, as I was myself, had there been men to command. I am this moment setting off to Richmond, and write in great haste.

Very respectfully, yours,

F. BROOKE.

Hon. P. P. BARBOUR.

RICHMOND, *December 10, 1824.*

MY DEAR SIR: I hope you have received from the hands of your brother, the papers in the case of Mr. E. Brooke, also a hasty letter of mine on the subject of his claims. I trouble you now with a more formal certificate, from the Register of the Land Office. I think it impossible to doubt the fact that he was a Lieutenant in the Virginia continental line, and that he served during the war; as to the idea of his former committee, that the resolutions of Congress were retrospective, and not prospective, so as to comprehend him, it is opposed to the constant practical construction by the Government, as may be seen by reference to the dates of the commissions of many officers who received their commutation under them. Many in our regiment, including myself, lieutenants Whitacre, Southall, and my brother, Lt. John Brooke, received their commissions after the passage of the resolutions; they were intended not only to retain those in service, but to induce others to enter it, and continue in it during the war.—Do me the favor to drop me a line, if there is any defect in the proof. Mr. Hagner's imperfect certificate, from imperfect records, ought not

to have any weight. Upon a comparison of the resolutions with the acts of the Virginia Legislature, entitling Lt. E. Brooke to his land, it will be found, that the nature of the service required by both is the same; and documents proving that he obtained his lands from his native state, where his service was most susceptible of proof, ought to outweigh the imperfect records of the War Department. As to length of time, the delay has been produced by the omission of the Paymaster, a public officer, whose delinquency ought not to be visited on an innocent claimant. The misconception of the committee, of the resolutions, &c, have contributed to subsequent delay, and ought not to affect the claim.

With sincere respect and esteem,

FRANCIS BROOKE.

The Hon. PHILIP P. BARBOUR, *Washington.*

The following is a literal copy, from the Register of Land Office Military Warrants.

“LAND OFFICE MILITARY WARRANT No. 2541.

“To the principal Surveyor of the Lands set apart for the officers and soldiers of the Commonwealth of Virginia—

“This shall be your warrant to survey, and lay off, in one or more surveys, for Edmund Brooke, his heirs or assigns, the quantity of two thousand six hundred and sixty six and two third acres of land, due unto the said Edmund Brooke, in consideration of his services for the war, as a Lieutenant in the Virginia continental line, agreeable to a certificate from the Governor and Council received into the Land Office.

“Given under my hand and the seal of the said Office, this 19th day of February, in the year one thousand seven hundred and eighty.

“JOHN HARVIE, *Reg. L. Office.*

“DEC. 10, 1824.

“W. SELDEN,

“*Reg. Land Office, Va.*”

I do certify that Lieutenant Edmund Brooke is entitled to the proportion of land allowed a lieutenant of the Continental line, who has served to the end of the war.

THOMAS MERIWETHER.

Council Chamber, February 19th, 1784.

BENJ. HARRISON.

Land Office, Military Warrant No. 2541.

To the Principal Surveyor of the lands set apart for the officers and soldiers of the Commonwealth of Virginia.

This shall be your warrant to survey and lay off, in one or more surveys, for Edmund Brooke, his heirs or assigns, the quantity of two thousand six hundred sixty-six and two-third acres of land, due unto the said Edmund Brooke, in consideration of his services for the war, as a lieutenant in the Virginia Continental line, agreeably to a certificate from the Governor and Council, received into the land office.

Given under my hand and seal of the said office, this 19th day of February, in the year one thousand seven hundred and eighty.

JOHN HARVIE, *Reg. L. Office.*

Virginia Land Office.

I do hereby certify, that the above are copied in this office, the first from the original certificate, the last from record.

Given under my hand and the seal of said office, this 21st day of December, 1797.

WILLIAM PRICE, *Register.*

I do hereby certify that Edmund Brooke received an appointment in the late Revolutionary war with Great Britain, as first Lieutenant in the first Continental Regiment of Artillery, commanded by Col. Charles Harrison, into which service he immediately entered upon receiving the appointment, and continued in constant service many months before Cornwallis's invasion of the state of Virginia. During this invasion, the said Edmund Brooke served unremittingly, until a week or two before the siege of York, when, having contracted a severe illness, in consequence of his being exposed, he returned home and remained too ill to return till after the capitulation. The Captain and Captain's Lieutenant, to whose company the said E. Brooke belonged, and by whom the above facts could have been fully established, were both residents of my neighborhood, and are both dead.

Given under my hand, this 14th day of December, 1802.

H. B. BROOKE.

Essex County, to wit:

Humphrey B. Brooke personally appeared before me, James Hunter, a Magistrate in the said county, and made oath to the truth of the above certificate. Given under my hand, this 15th day of December, 1802.

JAMES HUNTER.

Essex County, to wit:

Thomas Dix personally appeared before me, Humphrey B. Brooke, one of the Commonwealth's Justices of the peace for the said county, and made oath that he had a Captain's Lieutenant command in the regiment commanded by Col. Charles Harrison in the last war, and was in service at the time mentioned in the certificate hereunto annexed, at which time Edmund Brooke bore a lieutenantancy in the said regiment, in a company commanded by Capt. Whitehead Coleman, since dead, and that the facts contained in the certificate of Humphrey B. Brooke, with respect to the said E. Brooke's service and indisposition at the time spoken of in the said certificate, is true.

Given under my hand, this 15th day of December, 1802.

H. B. BROOKE.

Essex County, to wit:

William Waring, of the said county, personally appeared before me, Humphrey B. Brooke, one of the Commonwealth's Justices of the peace, in the said county, and made oath that, in the campaign of seventeen hundred and eighty-one, during Cornwallis's invasion of the state of Virginia, he commanded a company of militia from the county of Essex, and was frequently in company with Edmund Brooke, who, at that time, and for many months before, was first Lieutenant in a regiment of artillery, commanded by Col. Charles Harrison, and in a company of the said regiment, commanded by Captain Whitehead Coleman, of the aforesaid county, since dead. That the said Edmund Brooke remained with the said company till within a short time of the siege of York, when he left camp with the said affiant, being at the time much indisposed, in consequence of his suffering a good deal of hardship, and being much exposed, to which (the affiant) was a witness. That the said Edmund Brooke had a severe illness upon his return home, which was of some continuance. The said affiant states that he was very intimate with the said Edmund Brooke, and never understood from him that he intended to resign when he quitted the camp, and that Captain Coleman and Captain Lieutenant Miller, to whose company he, the said Brooke, belonged, as well as Captain Ambrose Bohannon, of the same county and regiment, are all since dead. Given under my hand, this 16th of December, 1802.

H. B. BROOKE.

Essex Office, December 16th, 1802.

I, John P. Lee, Clerk of the county court of Essex, do certify that H. B. Brooke and James Hunter, Esqrs. whose hands are affixed to

the foregoing certificate, are both magistrates of the county of Essex, and that due faith and credit ought to be paid to all their acts and deeds as such. In testimony whereof, I have hereunto set my hand, and caused the seal of my office to be hereunto affixed, this day and year above mentioned, and of our Independence the twenty-seventh.

JOHN P. LEE, C. E. C.

Prince William County, Virginia, to wit:

Edmund Brooke personally appeared before me, the subscriber, a justice of the peace in the aforesaid county, and made oath, that he was appointed a Lieutenant in the first Continental Regiment of Artillery, commanded by Colonel Charles Harrison, during the Revolutionary war, between the American colonies and Great Britain. That he joined the said regiment and remained in actual service for several months before the invasion of the state of Virginia, by Lord Cornwallis, being employed in transporting military stores, and various other services. That, after Cornwallis's invasion, he shared in all the toils and hardships incident to a camp life, remaining constantly with the company of artillery to which he was attached, until a few weeks before the siege of York, when he was compelled, by a severe spell of sickness, contracted by exposure, fatigue, and hard fare, to leave the army until his health was restored. He left camp with the leave, and by the advice of his commanding officer, Captain Coleman, (since dead,) though not without the deepest regret that the state of his health rendered it necessary at such a period, and without any intention whatever of resigning his commission; but with the most fixed determination to join the said regiment, so soon as his health would permit, which the conclusion of the war, by the capitulation at Yorktown, rendered unnecessary. That for his said services, the only compensation that he recollects to have received, was a warrant for two thousand six hundred and thirty-three acres and one-third of land, to which his rank in the army entitled him, and which he afterwards obtained a patent for; but having neglected to demand the commutation within the time limited by law, he was excluded, and has yet never obtained it. This, as well as the additional military land bounty since given by Congress to the officers of the Revolution, he considers himself justly entitled to, as he considered himself, (though not in actual service at the conclusion of the war, for the reason assigned,) an officer, and liable at any time to be called into service. In corroboration of this statement, if any further evidence be necessary, this affiant further declares that it will be found on record at Richmond, that he received the above mentioned quantity of land for his services in the said regiment, which would not have been given to him had he not been considered justly entitled to it as an officer at the end of the war. Given under my hand, this 20th day of January, 1818.

JOHN M. TYLER.

DEPARTMENT OF WAR,
Section of Bounty Lands, December 7th, 1824.

I hereby certify that the above and within are true copies of the originals on file in this office.

WM. M. STEUART, *Clerk.*

TREASURY DEPARTMENT,
Third Auditor's Office, January 10, 1825.

SIR: In reply to your inquiry, I have the honor to state, that the state of Virginia paid the troops of that line to the 1st January, 1782, from which date the United States' officer, Mr. Dunscomb, took up the settlement. It is evident, therefore, that the settlement made with Lieut. Brooke, by the state, must have been for his services prior to that date; and that, had evidence been produced to Mr. Dunscomb that Lieut. Brooke was considered in service after the 1st January, 1782, it would have been his duty to have settled with him, however short the period of service.

With great respect,

Your obedient servant,

PETER HAGNER, *Auditor.*

The Hon. PETER LITTLE,

*Chairman of the Committee on Pensions
and Revolutionary Claims, H. R.*