

JOHN BLACK.

[To accompany bill H. R. No. 760.]

APRIL 21, 1838.

Mr. FRY, from the Committee on Revolutionary Pensions, submitted the following

REPORT :

The Committee on Revolutionary Pensions, to whom was referred a resolution adopted by the House on the 5th March, 1838, instructing said committee to inquire into the expediency of having the name of John Black, of Georgia, replaced upon the roll of revolutionary pensioners, report :

That the said Black represents, in his petition to the War Department for a pension, (which was allowed him there, and subsequently withheld,) that he entered the American army as a volunteer militiaman, under Captain John Brumfield, Colonel Irwin's regiment of North Carolina militia, in December, 1779, and, after being in the service for some time, "was detached from the ranks, and placed in an armory with one Isaac Price, for the purpose of repairing fire-arms, and making swords for the horse troops," &c., giving a detailed statement of his services, for which he had been allowed a pension, and subsequently was dropped from the roll, as alleged by the accompanying letter of the Commissioner of Pensions, for the reason that his services did not amount to six months. The Commissioner says: "It appears from the testimony, and the petitioner's own statement, that he served two months and twenty days in the militia, and was subsequently employed seven months in a smith's shop; which seven months' service is not deemed such as the law intended to embrace."

The committee agree perfectly with the Commissioner of Pensions that the service in a blacksmith's shop is not such as is contemplated by the act of June 7, 1832, nor any other act granting pensions; and, if the services in the armory had been performed prior to his entering the army, or after his term of service or enlistment in the army had expired, the committee would take a different view of the case, and would make a wide distinction between such a case and a case where a soldier had been detached from the service, and placed in an armory. The petitioner entered the service as a militiaman, and not as an artisan, and, for aught that appears, would have served out his full tour, but for the circumstance that he was detached from the service, and placed in the armory, where he probably rendered the country as much service as if he had been left in the ranks. At all events, the committee think it ought not to divest him of his right to a pension; and they agree to reinstate him for six months, and report a bill accordingly.

