

EDWARD JOHNSTON

JULY 1 (calendar day, JULY 2), 1926.—Ordered to be printed

Mr. WADSWORTH, from the Committee on Military Affairs, submitted the following

REPORT

[To accompany H. R. 2531]

The Committee on Military Affairs, to which was referred the bill (H. R. 2531) for the relief of Edward Johnston, having considered the same, report thereon favorably with the recommendation that it pass.

The report of the House explains the merits of this measure and is, therefore, appended hereto and made a part of this report, as follows:

[House Report No. 1428, Sixty-ninth Congress, first session]

The records of the War Department show that Edward Johnston (surname also found as Johnson) was enrolled August 6, 1861, and was mustered into service August 9, 1861, as a musician of Company B, Fifty-ninth New York Volunteer Infantry, to serve three years; was later transferred to Company H, same regiment, December 31, 1861, and that he served faithfully until May 12, 1863, when he is reported to have deserted from a sick furlough.

The medical records show that this soldier was under treatment in regimental hospital December 16, 1861, for cold; February 17 and 18, 1863, pain in bowles; June 26, 1862, chafed instep; July 11 and 15, 1862, earache; August 10, 1862, prostration, and August 15, 1862, for fever; that he was admitted to Mill Creek General Hospital, near Fort Monroe, Va., August 17, 1862, with fever, disposition not stated; that he entered Second Division, Second Army Corps hospital, Army of the Potomac (Hoffman House Hospital, Antietam, Md.), September 26, 1862, and was accounted for September 30, 1862, as an attendant, and that he was received March 2, 1863, at convalescent camp, near Alexandria, Va., where he was examined March 16, 1863, by a medical board, which found that he had chronic hepatitis and rheumatism, and recommended that he be furloughed.

Mr. Johnston, when applying for removal of charge of desertion and for honorable discharge under the provisions of the act of Congress approved March 2, 1889, as amended by the act approved March 2, 1891, testified July 3, 1896, as follows:

"That while in convalescent camp, near Alexandria, Va., in May, 1863, suffering from yellow jaunders and general debility, his father came on from New York City, N. Y., and procured his discharge, as he was a minor, and on that ground he was informed, and that his father was there some two weeks before

he succeeded in getting him discharged, and that they went together to Washington, D. C., and got his pay, and when they applied for the pay the paymaster told them that he was marked "Dead," or "Discharged," he forgets which now, but that they finally paid him and that his father had the discharge, and he has been dead for the last 20 years and that he does not know what has become of it, and that he never deserted, and that if he had he most certainly would never have told of that enlistment, and that this is his oral statement to Henry A. Phillips, at Brooklyn, N. Y., July 3, 1896, and that in writing the same he did not use any written or printed statement prepared or dictated by any other person, and not attached as an exhibit to his statement."

In an affidavit executed November 10, 1889, the soldier testified as follows:

"My father and mother same to Washington, where I was in the convalescent camp near Alexandria, Va., and they, as I supposed, obtained my discharge for me from the United States service, and I so understand it from my father; since that I served in the Army and Navy of the United States, and was honorably discharged from both services, viz, in Company C, Eighty-fourth Regiment National Guards, State of New York, from July 12, 1864, to October 29, 1864; after which, I enlisted in the Navy of the United States on steamer *Tallahatchie* as second-class fireman; discharged therefrom U. S. S. *Vermont* November 24, 1866; enlisted in the Navy on November 25, 1864."

Miss Harriett Johnston, sister of Edward Johnston, testified December 6, 1923, as follows:

STATE OF NEW JERSEY,  
*County of Hudson:*

She is the sister of Edward Johnston, who as a minor enlisted in the United States Army in the year 1861.

She of her own knowledge knows that her father, who is also the father of Edward Johnston, went to Washington, D. C., for the purpose of bringing home the said Edward Johnston, who was reported ill, and that she saw her father and Edward Johnston, her brother, about two days after their return to her father's home in New York City, where he remained ill for about two weeks.

After the said Edward Johnston's recovery at home, he again enlisted in the Army and Navy, for which he received two honorable discharges, which his records in Washington should show.

[SEAL.]

ERNEST A. KRAHMER, *Notary Public.*

The war records also show that Edward Johnston (surname also Johnson) was enrolled July 12, 1864, and was mustered into service July 13, 1864, as a private of Company C, Eighty-fourth New York National Guard, to serve 100 days, and that he was mustered out and honorably discharged from the service with the company, as a corporal, October 31, 1864, to date October 29, 1864.

Inasmuch as Edward Johnston acted in good faith, as he believed he was discharged from the Army through the efforts of his father, as a minor, and received his pay, May, 1863, for his service, and the fact that he again enlisted and served from July 12, 1864, to October 29, 1864, and was honorably discharged as corporal; also that he enlisted in the Navy of the United States on steamer *Tallahatchie* as second-class fireman, November 25, 1864, and was discharged therefrom U. S. S. *Vermont* November 24, 1866, we believe that Edward Johnston is entitled to an honorable discharge from the Army of the United States.