

JOSEPH P. AND GEORGE W. JOHNSON.

APRIL 24, 1840.

Read, and laid upon the table.

Mr. RUSSELL, from the Committee of Claims, submitted the following

REPORT :

*The Committee of Claims, to whom the petition of Joseph P. Johnson, and also that of George W. Johnson, were referred, each praying compensation for a horse lost in the military service of the United States, in the year 1836, make the following report :*

The claimant Joseph P. Johnson was an officer in Captain Morrison's company of mounted volunteers, under the command of Colonel Walter Smith, in the brigade of Brigadier General John W. Moore, in the Creek war in the year 1836, and lost his horse by being killed on the Chattahoochie river, on the 1st of July, 1836, caused by a fright from the "firing of the guns," which it is stated ran violently upon the horse and broke him down, by which he died. At the time Johnson entered the service, his horse was valued at \$180.

George W. Johnson was a private in the company of mounted volunteers commanded by Captain Harris, in the brigade commanded by Brigadier General Moore in the Creek war, and was possessed of a horse estimated at \$140 when he entered the service. The company of which the petitioner was a member was discharged from service, as appears from the muster-roll, on the 23d day of July, 1836, and his horse died on the 25th of the same month, two days after he was discharged from the service. His death is attributed by the petitioner to a disease contracted for the want of sufficient forage while in the service of the United States.

The testimony submitted mingles the two cases, and for that reason the committee have considered them together. This testimony is defective, for want of being properly authenticated ; and, in substance, does not make out a case entitling either petitioner to relief.

Joseph P. Johnson's horse was not killed in battle, and the law under which he entered the service, if a commissioned officer, puts him upon the same footing with officers in the army of the United States in relation to pay, emoluments, &c. ; and those officers hitherto have not been remunerated for horses lost in service, unless when "killed in battle." And George W. Johnson's horse did not die "while in the military service of the United States." But if the latter had died in the service, and from the cause assigned, the contract under which the petitioner entered the service did not require the Government to furnish forage. Both claims, therefore, must be rejected ; and the committee offer for the consideration of the House the following resolution :

*Resolved,* That the prayer of the petitioner, Joseph P. Johnson, and that of George W. Johnson, ought neither of them to be granted.