

[Southern Campaign American Revolution Pension Statements and Rosters](#)

Virginia documents pertaining to Christopher Blackburn VAS2529
Transcribed and annotated by C. Leon Harris.

[The following are from [bounty-land records in the Library of Virginia](#).]

To The Executive of Virginia

The Petition of the Heirs of Christopher Blackburn respectfully states, that he was an officer in the Virginia Continental line during the whole war of the Revolution, but never received any land Bounty from Virginia.

Your Petitioners have obtained the affidavits of five Respectable witnesses all of whom testify that he was an officer of the Virginia Line in the Revolution

1. Benjamin Alsop [S9269] (himself an officer) says C. Blackburn was a Lieutenant of Va Line & acted several years as Adjutant. He will not say positively has long Lieut B. was in service but thinks at least 3 years.
2. John Carter [S9131] knew said Blackburn in service & that he was an adjutant as early s the Battle of the Great Bridge [9 Dec 1775].
3. Wm. Tombs & Wm Pettis who are certified to be credible witnesses, were neighbours of C. B. during the war & afterward. They swear that he was an Officer of the Va Continental line the whole war. Their situation was such they could not well be mistaken, and they are positive in their statements.
4. Wm. Elliott says he knew of his own knoweldge that C. B. was an officer of Va. Line for a considerable time and he thinks to the end of the war.

Your Petitioners hope this evidence will be sufficient to enable them to get the land Bounty due them. They solicit an indulgent consideration of their claim (while they believe it made out by the most respectable witnesses according to the most rigid rules) – such a spirit they are advised is encouraged by the Act of the Va. legislation in 1815 which dispensed [one or two undeciphered words] particular forms of testimony on account of the difficulty of obtaining strict legal proof – that act was passed in order that claimants might with more facility obtain their dues. Congress is also very liberal in directing what kind of testimony shall be sufficient to establish claims for the services of those who were in the Revolution.

The legislatures of both Governments indicate a disposition to consider in a favorable light these claims and to allow them, altho not proved according to legal evidence, if it appears satisfactorily, by any means, that the service was performed.

A case made out, prima facie, your petitioners are advised, is as good in law, as if fully proved, unless something to rebut the prima facie evidence is adduced – if so, they humbly submit whether, in their present claim they ought to be expected to disprove every possible suggestion that may arise against their claim? Few plain, unskillful statements or narratives of facts, are ever so fully made, as necessarily to exclude every inference, which ingenuity can point to – or are so conclusively and exclusively averred as a declaration must be upon [undeciphered word].

These remarks are made because your petitioners are now advised, & since the evidence in this case was obtained, that claims have been rejected because it did not appear, the officers were not cashiered or superseded.

Your petitioners apprehend this would be requiring them to prove a negative. They are advised that Judge Marshall [probably John Marshall (S5731), Chief Justice of the U.S. Supreme Court] was consulted to know how this sort of negative evidence could be obtained, and he replied, first, that the only possible mode of proving a negative was by evidence of an inconsistent affirmation – but that it was hardly possible for any officer of the army of the Revolution to prove he was not superseded. That (well known as he himself was to a great many) he did not know he could prove that he was not superseded.

Your petitioners feel as confident of the fact that their father was never cashiered or superseded, as they are, that there is such a place as London which the never saw, but they may not be able to prove that

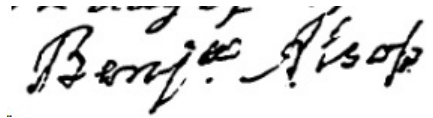
negative – and if they could, it would probably be too late for them to claim any benefit from the act of Congress recently passed.

They therefore respectfully ask that they may be allowed the land Bounty without further evidence respecting said negative.

It may be observed, however, that two of the witnesses do prove service to the end of the war, which is inconsistent with such a negative.

All of which is respectfully submitted/ T. Green attorney for the Heirs.

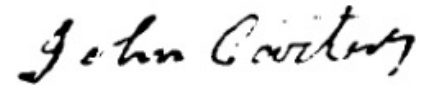
The affidavit of Major Benjamin Allsop of Spottsylvania [sic: Spotsylvania] County & State of Virginia aged 74. This affiant states that he was acquainted with Christopher Blackburne and knows that sd Blackburn was a lieutenant in the Virginia line in the revolutionary war, and that he acted for several years in the capacity of adjutant. He cannot say the precise time, but thinks he was in service at least three years & perhaps longer. Affiant also knew Beverley Stubblefield [Beverly Stubblefield W2263], & knows that sd Stubblefield was an officer in the regular army & that he served to the end of the war. Given under my hand this 28th day of April 1832.



I do hereby certify that I was acquainted with Christopher Blackburn of Caroline in the revolutionary war and to his death. The said Blackburn was an adjutant in the regular army in the revolutionary war. He went into service in the early part of the war & was at the battle at the long bridge at Norfolk. I went with the army to the north in the spring of 1777 and left the sd Blackburn in service

John Carter

[Caroline County, May 1832]



The affidavit of William Elliott of Essex County aged 79 years. This affiant states that he knew Christopher Blackburne of Caroline County during the revolutionary war. The sd Elliott states of his own knowledge, that sd Blackburne was an officer in the regular service during the revolutionary war, in the Virginia line, for a considerable time and he thinks to the end of the war. The sd Blackburne acted in the capacity of an adjutant

[24 May 1832]



We do hereby certify that we lived near neighbors to Christopher Blackburn in the revolutionary war & all our lives to his death. We state that the said Blackburn entered the service as a commissioned officer in the beginning of the war in the Virginia Continental line and that he continued in the service to the close of the war. Given under our hands this 25th day of June 1832 William Toombs/ William Pettis

[Caroline County VA]

I hereby certify that I was well acquainted with Christopher Blackburne late of Caroline County. The sd Blackburn was an officer in the army in the revolution and acted as adjutant. When he entered the service or how long he served, I do not know. I saw him in service at the siege of York [Yorktown, 28 Sep - 19 Oct 1781], when I was taken prisoner.

[6 Dec 1833] Thomas Coghill [S15785]



There seems to be no new Evidence since this claim was disallowed formerly by the Gov'r. It is not shewn to my satisfaction that B. was ever in the Regular service at all – nor how long he served. If the facts stated are known by the deponents, so must be circumstances accompanying them. His name does not appear in any of the lists of Con'l. officers in this Dept. The claim is again disallowed. [initials undeciphered]

Recd 28 July 1832

Disallowed/ J. F. [Gov. John Floyd]

[undeciphered word] Rejected evidence insufficient

March 28 1833

Submitted to the Council of State and advice required/ John Floyd

1833 May 12 Rejected

Jan'y 20 1834 referred to Mr Smith [John H. Smith, Commissioner; see endnote] to [undeciphered word] & report J.F.

NOTES:

After summarizing the evidence in the case, Smith's report, dated 28 Jan 1834, stated the following: "This Claim seems to have been rejected three times. The Council Journal of July 1776 shows Blackburn as adjt 2nd Va Regt. His name is not on the army Register, nor on any of the Rolls of the Army. I report the claim doubtful." [Rejected claims](#) are usually in a different collection in the Library of Virginia rather than in the bounty-land records.

The pension application of Joseph Jones (W9079) and the bounty-land application of Thomas Hoard [Hord] BLWt1073-300 show that Lt. Christopher Blackburn was in the Continental service in 1775 and 1776. According to the pension applications of James Bradley (S6736) and John Broaddus (R1227), however, by 1780 Christopher Blackburn was a Captain in the Caroline County Militia. If this is the same Christopher Blackburn, then he did not serve in the Continental army to the end of the war, and it is not clear that Blackburn served the minimum of three years in either the Continental or State service required to receive bounty land.