

LEVI WRIGHT

MARCH 11, 1926.—Committed to the Committee of the Whole House and ordered to be printed

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

REPORT

[To accompany H. R. 5486]

The Committee on Military Affairs, to which was referred the bill (H. R. 5486) providing for the relief of Levi Wright, having considered the same, recommend the following amendment:

In lines 6 and 8, page 1, strike out the date "September 13, 1864," and in lieu thereof insert the date "January 7, 1865," so that the bill as amended will read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in the administration of the pension laws, Levi Wright, who served as a private in Company A, Fifty-fourth Regiment Ohio Infantry Volunteers, from September 5, 1861, to January 7, 1865, shall hereafter be held to have been discharged honorably from the military forces of the United States on January 7, 1865, but no pay, bounty, pension, or other emolument shall accrue prior to the enactment of this act.

And that the bill as so amended do pass.

It appears from the letter of the Secretary of War dated January 6, 1926, and the report of The Adjutant General of the same date that this soldier enlisted was enrolled and mustered into service September 5, 1861, as a musician in Company A, Fifty-fourth Ohio Volunteer Infantry, to serve for a period of three years. He was then a trifle over 15 years of age. He served his first term of enlistment and was honorably discharged. On January 5, 1864, he reenlisted as a veteran for another term of three years in the same company and regiment, and that the last service record was of January 7, 1865, when he was sent to the commanding officer, New York City, on that date. The muster roll of August 15, 1865, shows he deserted July 4, 1865, at Nashville, Tenn. The soldier states that as near as he can remember he served duty at Castle William on Governors Island, N. Y., until July, 1865, when he became sick and, the war being over, went to his home in Clinton County, Ohio. This soldier has a clean

record in the War Department of service of four years and nearly two months, and, according to his own statement, of four years and six months.

The following is the letter of the Secretary of War and the military record as reported by The Adjutant General:

JANUARY 6, 1926.

HON. JOHN M. MORIN,
*Chairman Committee on Military Affairs,
House of Representatives.*

SIR: I have your letter of January 2, 1926, in which you requested to be furnished, for the use of the Committee on Military Affairs of the House, a report in duplicate on H. R. 5486, for the relief of Levi Wright.

In reply to your request I invite your attention to the inclosed report in duplicate from The Adjutant General.

Attention is invited to the bill, which proposes that Wright shall herewith be held to have been discharged on September 13, 1864, and to the report from The Adjutant General, which shows that he was in service at Kelton Barracks, Cincinnati, Ohio, as a member of a convalescent detachment as late as January 7, 1865, when he was forwarded to New York City, N. Y. It is suggested, therefore, that the bill be amended to show the date of his discharge as January 7, 1865, instead of September 13, 1864.

Sincerely yours,

DWIGHT F. DAVIS, *Secretary of War.*

WAR DEPARTMENT,
THE ADJUTANT GENERAL'S OFFICE,
January 6, 1926.

CASE OF LEVI WRIGHT, PRIVATE, COMPANY A, FIFTY-FOURTH OHIO VOLUNTEER INFANTRY

The records show that Levi Wright was enrolled and mustered into service September 5, 1861, as a musician in Company A, Fifty-fourth Ohio Volunteer Infantry, to serve three years. He reenlisted January 5, 1864, as a veteran volunteer in the same company and the muster-out roll of the company dated August 15, 1865, shows that he deserted July 4, 1865, at Nashville, Tenn., a private. A descriptive list of deserters of the company dated July 31, 1865, and the returns of the regiment for July, 1865, show that he deserted July 4, 1865, at Memphis, Tenn.

A muster roll of Captain Miller's first convalescent detachment dated at Kelton Barracks, Cincinnati, Ohio, September 24, 1864, shows Levi Wright present, and a muster roll of Company A, first detachment convalescents, stationed at Kelton Barracks, Cincinnati, Ohio, for September and October, 1864, shows him present. A muster roll of Lieutenant Quin's detachment convalescents stationed at Kelton Barracks, Cincinnati, Ohio, for November and December, 1864, show him present, and the returns of the first convalescent detachment at Kelton Barracks for September to November, 1864, show him on duty as drummer for the detachment. Other records of Kelton Barracks, Ohio, show him forwarded January 7, 1865, under charge of a noncommissioned officer, to the commanding officer at New York City, N. Y., to be returned to his regiment. An exhaustive examination of all the records of Castle Williams, Governors Island, N. Y., has resulted in failure to discover any evidence that Wright was delivered to the commanding officer at that post and no record of him subsequent to January 7, 1865, has been found.

Applying to this department for the removal of the charge of desertion and for an honorable discharge Wright testified on May 11, 1896, as follows:

"That I reenlisted as a veteran at Bellefonte, Ala., on the 4th day of January, 1864, and was sent home (Fayette County, Ohio) on furlough with my regiment after expiration of furlough; went back with my regiment and remained until I got sick, and was again sent north to hospital, and when convalescent was put on duty at Kelton Barracks, Cincinnati, Ohio; was sent from there to my regiment by way of New York; was put on Governors Island and remained there (can't remember how long). I got homesick; I left and came home; I was very

young and inexperienced at the time; I think when I left Governors Island it was in the spring of 1865. This is my own handwriting and is as near as I can recollect the facts in my case."

On January 20, 1898, he again testified as follows:

"That he was mustered into the service of the United States as a musician September 5, 1861, in Company A, Fifty-fourth Ohio Volunteer Infantry, to serve three years, and that he reenlisted and was mustered into the service January 5, 1864, as a veteran volunteer in the same company and regiment to serve three years. He served faithfully until September 13, 1864, when he was sent from the post hospital at Camp Dennison, Ohio, with a detachment of convalescents and put on duty as guard at Kelton Barracks, Cincinnati. Our duty especially was to take soldiers to their regiments who had enlisted as substitutes. I did duty with the other convalescents until early summer, 1865, when I was sent to New York to Castle Williams on Governors Island, and remained there as near as I can remember until July, 1865. I got sick, and the war being over I came home; the idea of deserting never entered my mind. Being very young and inexperienced, I never thought of any one bothering me. A few years afterwards I woke up to the gravity of the situation and felt ashamed, and fear came over me that it would bring reproach upon my parents, my wife, and family of children now grown. Hence I made application for the removal of the charge of desertion, and employed the late George E. Lemon as my attorney in the premises. Since his death nothing has been done. I have tried to faithfully discharge duties of citizenship and to leave an honorable name to my children. I ask this act of justice be awarded me by the authorities and that I may honorably be discharged from the United States service to be on date July 4, 1865. For which I shall ever pray."

On January 21, 1898, S. W. Turner, aged 61 years, a resident of Clinton County, Ohio, testified as follows:

"That he has been acquainted with the soldier for 20 years, and during that time he has borne himself as a commendable citizen; that we believe he has made a true and honest statement concerning his war record; and that we heartily recommend him to the just consideration of the United States Government, to the end that his prayer of relief may be granted and that he may leave an honorable and patriotic name to his beloved family."

On January 21, 1898, C. L. Gallaher, aged 56 years, a resident of Clinton County, Ohio, testified as follows:

"That he has been acquainted with the soldier for 30 years and during that time he has borne himself as a commendable citizen; that he believes the soldier has made a true and honest statement of his war record; that we heartily recommend him to the just consideration of the United States Government, to the end that his prayer of relief may be granted and that he may leave an honorable and patriotic name to his beloved family."

On January 2, 1923, Levi Wright testified as follows:

"I was born in Clinton County, Ohio, October 17, 1846. When in my sixteenth year I enlisted on September 5, 1861, in Company A, Fifty-fourth Ohio Volunteer Infantry, for service in the Civil War, and served continuously and faithfully therein until discharged for the purpose of reenlisting as a veteran, and was given an honorable discharge, and which I believe occurred in the early portion of the month of July, 1864.

"I reenlisted as a veteran in the same company and regiment at Bellefonte, Ala. Shortly thereafter I was given what was called veteran furlough and went to my home at near Washington Court House, Ohio. I believe my said furlough was for a period of 60 days. At its expiration I reported for duty at Columbus, Ohio, and was sent by military authority to Kelton Barracks, Cincinnati, Ohio. From there I was again sent by military authority to Governors Island, N. Y., for the purpose of being forwarded to the command of which I was then a member and then on the move to Richmond, Va. I never reached my command. I remained there at Governors Island until after the fall of Richmond and until the news came that the war was over. I requested and was granted a pass to New York City. From there I returned to my home and did not return to my command.

"Meanwhile, while at Kelton Barracks, Cincinnati, en route to return to my regiment, I contracted a venereal disease (gonorrhea). While at Governors Island the medical officer under whose jurisdiction I then was abused me and seemed disinclined to give me proper attention, the result being that, as it then seemed and yet seems to me, my condition became so much worse that it seemed to me to be imperative that I should have proper attention, and in my fright—

a fright which it yet seems to me was justifiable to a youth such as I at the time was—I concluded that the proper thing for me to do was to return home where I could have proper care and attention. As stated above, the word had come that the war was over and I deemed it sufficient information upon which to base a conclusion that my services were no longer required.

"I crave your consideration of these matters and that you will bear in mind that, had I been a man of more mature years, I would no doubt have viewed the matter in a different light and acted differently.

"About 20 days after I reached my home in Ohio after my desertion my company also came home, and I admit that I realized that I was in the status of a deserter and that I kept myself out of the way of the officers and members thereof; that I was very much in fear that I would be apprehended and that to be would probably mean serious difficulty for me.

"I am now a man of mature years. I am in full realization of my youthful error, but do not feel as if I was or am in reality a deserter; that I am merely technically such; that I rendered faithful and honorable service with the one exception stated; and that, in so far as the value of my service to my country and Government is concerned, it was not impaired nor lessened by my youthful indiscretion of leaving without waiting for an honorable discharge. I feel that the only real injury accruing from my act of deserting was to myself and those dependent upon and interested in me.

"I am now an old man, I pride myself that I have lived an honorable life save and except the one indiscretion above noted. I have never been in a position to seek relief under the pension laws of my country and Government. That I very much desire to do and is the principal reason for my making this appeal. I am now unfitted, by reason of advancing age and physical disability to earn a living. I have just completed 52 years as the husband of my dear old wife, and it would be a matter of great satisfaction and relief if I could feel that, in the event she survives me, she could have the benefit of the pension laws of my country, which I love so well and to which, with the one exception, I have never failed in loyalty."

On January 17, 1923, he again testified as follows:

"I remember that after being sent to and arriving at Kelton Barracks, Cincinnati, I was on duty there some considerable time under Captain Miller at clerical work. Later on, I, with a dozen (approximately) other men were sent from Kelton Barracks to Castle Williams on Governors Island, N. Y., the others like myself, as I understood it at the time, being en route to our respective commands. The understanding I had at the time was that my command was moving en route to Richmond, Va., and I was to be dispatched to it at such time as it should become stationary. I recall that I was at Castle Williams until after the fall of Richmond—something like two weeks, as I remember it—when the word came that the war was over, and I ran away as stated and explained in my application for removal of charge of desertion.

"I do not know or understand the provisions of the act of Congress approved March 2, 1889, cited in your letter, but the fact that it is referred to creates in me the impression that its provisions might be invoked for my benefit in this matter in the event I remained in the service honorably until May 1, 1865; and if so, I take my solemn oath that I did remain in military service honorably until after that date.

"Kindly bear in mind that I have not and do not set up any claim or contention as that I was prevented from completing my term of enlistment by reason of disability incurred in the line of duty. Per contra, I have plainly stated that, while I had a disease which was a material factor in my act of going without leave, it was not incurred in the line of duty and was not such a disease as could have been incurred in the line of duty.

"I base this, my prayer for a removal of the charge of desertion against my military record, upon the fact that I served faithfully and honorably and continuously from September 5, 1861, to on or about July, 1865—nearly four years—that my desertion was accompanied by extenuating circumstances and conditions which merit charitable consideration.

"I desire to make it plain and that I do not ask this relief on the basis that I deemed my desertion justified or warranted by the information which came to the effect that the war was over. I have coupled this with other reasons and considerations which formed the bases for my improper act—the act of an immature man, not possessed of such reasoning powers as your petitioner has gained with age and experience and who, again placed in similar position and circumstances, would act in different manner."

Upon this presentation of the case his applications for relief have been denied and now stand denied on the ground that he did not serve until May 1, 1865, and according to his own statements was not prevented from returning to his command and completing his term of enlistment by reason of wounds, injuries, or disease incurred in line of duty, and because his case does not come within any of the other provisions of the act of Congress approved March 2, 1889, the law in force governing the subject of removal of charges of desertion from the records of soldiers of the Civil War.

Respectfully submitted.

ROBERT C. DAVIS,
The Adjutant General.

The SECRETARY OF WAR.

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