

Calendar No. 917

69TH CONGRESS }
1st Session }

SENATE

{ REPORT
No. 919

JOSEPH A. CHOATE

MAY 21 (calendar day, MAY 24), 1926.—Ordered to be printed

Mr. REED of Pennsylvania, from the Committee on Military Affairs,
submitted the following

REPORT

[To accompany H. R. 2172]

The Committee on Military Affairs, to which was referred the bill (H. R. 2172) for the relief of Joseph A. Choate, having considered the same, reports thereon favorably with the recommendation that the bill do pass.

The report of the House Committee on Military Affairs, in the Sixty-eighth Congress explains the merits of this bill. That report is therefore, appended hereto and made a part of this report as follows:

[House Report No. 903, Sixty-eighth Congress]

The Committee on Military Affairs, to whom was referred the bill (H. R. 6824) for the relief of Joseph A. Choate, having considered the same, report with a recommendation that it do pass, with an amendment.

Joseph A. Choate, who served under the name of Alexander Choate, was born January 24, 1849, and was only 12 years old when war was declared. He lived at Cleveland, Tenn. In 1863 his father, Emory Choate, and his eldest brother joined the Federal Army. In the spring of 1864, when he was only 15 years old, he ran away from home, made his way through the Confederate lines, and tried to join the Fifth Tennessee Infantry, but they would not muster him in on account of his age. He made his way to Nashville, Tenn., where he joined the Tenth Tennessee Cavalry, but was again rejected on account of age. He next joined Company K, Fourth Tennessee Cavalry Volunteers, in May, 1864, and served with regiment until after the last fighting with General Hood's army at Murfreesboro and Nashville in November, 1864. While marching from Nashville he became separated from his command and fell in with an Army construction corps and served with same until May 10, 1865.

The above facts are certified to by Joseph A. Choate, all of which are set out in a statement from The Adjutant General with the exception of that pertaining to his several attempts to join the Union Army, which statements are not controverted.

The above statements signed by Joseph Alexander Choate and sworn to before I. L. Brock, clerk of circuit court, Cherokee County, Ala., February 24, 1900.

A report in this case was furnished to the Committee on Military Affairs, House of Representatives, in connection with H. R. 8394, Fifty-seventh Congress, first session, on April 4, 1902. Following is a copy:

It is shown by the records that Alexander Choate was enrolled and mustered into service May 21, 1864, as a private in Company K, Fourth Tennessee Cavalry Volunteers, to serve three years. He appears to have been present with his company until November 25, 1864, when he absented himself without leave, and his name was dropped as a deserter January 11, 1865. He never rejoined his command or reported his whereabouts or the cause of his absence to the military authorities, although his company remained in service until December 12, 1865.

Nothing has been found of record to show that he was sick or that he received medical treatment at any time during the period of his service in this organization.

Upon inquiry at the Quartermaster General's office it has been ascertained that Alexander Choate was employed as a civilian carpenter at New Bern, N. C., from February 1 to March 31, 1865, at the rate of \$2.50 per day, and as a civilian teamster at \$2.50 per day from April 1 to May 10, 1865, when discharged, and that B. B. Griggs was reported by Capt. F. T. Starkweather, acting quartermaster, at New Bern, N. C., as having been employed as a foreman.

Applying for removal of the charge of desertion, the soldier testified, August 2, 1890, as follows:

"That he served faithfully until on or about the 26th day of January, 1865, when, without any intention of deserting, he left the regiment under the following circumstances: That after making a southern campaign down into middle Georgia and returned to Nashville, Tenn., and was in the campaign against Hood and under General Thomas. That after Hood's retreat from Nashville, Tenn., claimant says he was sent to the convalescent camps in Edgefield, Tenn. That his horse had given out; that his company and regiment had been sent south into Louisiana. That he with others was sent over the river from Edgefield into Nashville and at camp below Nashville or between Nashville and Franklin, Tenn., claimant says, he with others got lost from the men who were sent out from Edgefield and was thrown in company with New York troops, and an officer by name of B. B. Griggs placed claimant in a pioneer corps of Second Division, was sent to east North Carolina, and was kept in this service until in latter part of May, 1865, and was sent from New Bern, N. C."

He again testified, December 22, 1891, declaring as follows:

That he served faithfully until on or about the 20th day of January, 1865, when, without any intention of deserting he left the regiment under the following circumstances: While on a march from Nashville, Tenn., between Nashville and Franklin, he was lost from his regiment; he tried to get back, but failed to find his regiment. He being but a boy at the time, he was at a loss to know what to do, so he remained with a construction corps until the end of the war, and in that way failed to receive his discharge.

"I can not give the dates of my enlistment, not being mustered into service, for I was just a lad of a boy; never had been to school; raised by Elstret Parente, and my father, M. Choate, was in the United States Army, and my older brother, F. M. Choate, was in the Fourth Regiment Tennessee Cavalry, Company I, and we lived where there was no safety on account of scouts who belonged to neither army. I thought in the service my safest place, and served the United States Army to May, 1865. There is still a few of my comrades living in the old mother State.

"ALEXANDER CHOAT."

The application for removal of the charge of desertion in this case has been repeatedly denied, and now stands denied, on the ground that the soldier did not serve until May 1, 1865, and that he was not prevented from completing his term of enlistment by disability incurred in the line of duty, and because the case does not come within any of the other provisions of the act of Congress approved March 2, 1889, which is the only law in force governing the subject of removal of charges of desertion.

Since the date of that report, the status of the case has not been changed either by the introduction of new testimony or by legislation.

Respectfully submitted.

GEO. ANDREWS,
The Adjutant General.

WAR DEPARTMENT,
THE ADJUTANT GENERAL'S OFFICE,
July 24, 1914.
The SECRETARY OF WAR.