

THOMAS SPURRIER

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MAY 13, 1926.—Committed to the Committee of the Whole House and ordered to be printed

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Mr. JOHNSON of Indiana, from the Committee on Military Affairs, submitted the following

REPORT

[To accompany H. R. 3665]

The Committee on Military Affairs, to which was referred the bill (H. R. 3665) to correct the military record of Thomas Spurrier, having considered the same, report thereon with the recommendation that it be amended as follows:

Line 10, after the word "pension," insert the words "back pay or bounty."

Amend the title so as to read: "For the relief of Thomas Spurrier."

A complete history of this case is given in the report of the War Department, which includes a number of affidavits filed by and in behalf of the soldier to indicate he was not a willful deserter.

The report of the War Department, therefore, is made a part of this report, as follows:

CASE OF THOMAS SPURRIER, LATE PRIVATE OF TROOP D, TENTH MICHIGAN VOLUNTEER CAVALRY, CIVIL WAR

The name Thomas Spurrier has not been found on the rolls on file in this office of Troop D, Tenth Michigan Cavalry Volunteers. It appears from correspondence on file that Thomas Sprater, of Jonesville, Va., stated that he served under the name Thomas Spurrier in said organization.

The records show, however, that one Thomas Spier was enrolled September 1, 1864, at Knoxville, Tenn., and was mustered into service September 2, 1864, as a private of Troop D, Tenth Michigan Cavalry, to serve three years, and that he deserted October 1, 1864. It does not appear that he ever returned to his command which remained in service until November 11, 1865, or reported the cause of his absence or his whereabouts to the military authorities. No medical record of him has been found.

Applying to this department for removal of the charge of desertion and for an honorable discharge, Thomas Sprater, of Jonesville, Va., in an affidavit executed September 11, 1916, who signs by mark and who subsequently stated that he

served under the name Thomas Spurrier and who is believed to be identical with the Thomas Spier mentioned above, declared as follows:

"That he served faithfully until on or about the \_\_\_\_\_ day of December, 1864, when, without any intention of deserting, he left the regiment under the following circumstances: He was placed on special duty as guard and went to a dwelling house to buy some pies, and on his return was captured by a squad of Confederate soldiers, who conveyed him to Kingsport, Tenn., where he made his escape and made his way back to his home in Scott County, Va., and being at that time only about 17 years of age, his parents prevailed with him not to return to his regiment at Knoxville, Tenn., as they said the war would soon be over, which it was."

In an affidavit executed March 19, 1920, Isaac Hensley, aged 78 years; Kate Hensley, aged 70 years; Margaret McMurray, aged 73 years; and Peter L. Myers, aged 66 years; all of Hiltons, Va., respectively testified as follows:

"That affiant remembers that in the fall of 1864 it was reported that Thomas Spurrier, an immature youth, had left the home of his parents, John and Elizabeth Spurrier, in Scott County, Va., and enlisted in the Union Army; that the same fall the aforesaid Thomas Spurrier returned to the home of his parents and remained in seclusion till the close of the war; that it was reported he had been captured by a Confederate force while out foraging, and after being held a prisoner a short time effected his escape and made his way back to Scott County, Va.; that affiant remembers the said Thomas Spurrier, soon after his arrival home, broke out with measles and while convalescing caught cold, which settled on his lungs and in his eyes, causing permanent disability; that it is the belief of affiant that at no time after his attack of measles was the said Spurrier fit for the duties of a soldier or physically able to stand the hardships in the field incidental to a military life; that affiant believes that by reason of his location (the enemy being between him and his command) and his depleted physical condition following his attack of measles, causing affection of eyes, cough, and disease of throat and lungs, was he able to have reported to the Federal authorities for military duty before May 1, 1865; that affiant knew the aforesaid Thomas Spurrier from boyhood and remembers the circumstances herein narrated."

Under date of March 20, 1920, Thomas Spurrier, then a resident of La Fayette, Ind., declared as follows:

"That in the fall of 1864, as a mere lad, he made his way, in company with one Joe Fauber, from his home in Scott County, Va., to Knoxville, Tenn., where he enlisted and was assigned to Company D, Tenth Michigan Volunteer Cavalry; that he served with the aforesaid organization till about the 1st of October, 1864, when he was surprised while foraging by a Confederate force and made prisoner; that he remained a prisoner about 10 days, when he escaped from his captors and made his way to the home of his parents, where he remained in seclusion till the end of the war; that there were two reasons which prevented him from returning to his command; that between him and his command was a hostile war-ridden country of 140 miles or more, torn with the throes of civil strife and infested more or less with irregular troops of the Confederacy, making traveling dangerous and inviting capture at any point; that soon after his arrival home he was stricken with measles, which went in on him and settled in his throat and eyes and at no time thereafter was he physically capable of returning to his command or performing military duty before the collapse of the Confederacy and the end of the Civil War in the spring of 1865; that in consequence of the measles settling in his throat and eyes he has been permanently affected with weak eyes and bronchial affection ever since; that the correct spelling of his name (surname) is Spurrier; that he has since learned in correspondence with the War Department that he is borne on the records of the regiment in which he enlisted a recruit as "Thomas Spier"; that he can not account for the error in his name unless chargeable to the enrolling officer when he enlisted; that he believes his case comes within the provisions of the act of March 2, 1889, for the removal of the charge of desertion because he was prevented from returning to his command by reason of physical disability contracted while a Union soldier; that he must have been exposed to measles about the time of capture and escape, because they broke out on him very soon after his arrival home and resulted as aforesaid in permanent affection of eyes and throat; that if his own statement filed heretofore is adverse to the correction of his military record he asks his present affidavit, together with witness to corroborate him, be considered as reflective of all the facts in the case; that affiant believes the charge of desertion against him is purely technical, as he never deserted his command nor had any intention of deserting; that the fact of his capture is verified by the testimony

of one Andrew J. Bruner, a member of the Confederate force which captured him; that the affidavit of the said Bruner further shows after being captured he was taken to Kingsport, Tenn., where he was held a prisoner till he made his escape; that his object in making this claim is for the correction of his military record to cover the period of service from date of his enlistment to the final muster out of his regiment and to obtain an honorable discharge, now denied him by reason of the charge of desertion standing against his record in the War Department."

Under date of March 20, 1920, Sarah Fleenor, aged 68 years, of Hiltons, Va., testified as follows:

"That she is a sister of the said Thomas Spurrier and that she knows of her own personal knowledge that her brother, Thomas Spurrier, when quite a boy left their home and volunteered in the Union Army and while in the service he was captured and made his escape from the enemy and came home and soon after he came home he broke out with measles and while convalescing he took cold and a relapse on the measles and they settled on his lungs, throat, and eyes, and that he was never able after that to return to his command or able for the hardships incident to war and therefore he did not go back to his command. That one reason for his not returning to his command that the country for a distance of 60 to 75 miles was infested with the enemy and if he had made an effort to have returned, in all probability he would have been captured by the enemy. That owing to the above conditions he was unable to return to his command on or before May 1, 1865; that the above is a true statement of the facts as they existed at that time and that the said Thomas Spurrier has been permanently disabled by reason of the above and he is still disabled and has passed most of his life in this disabled condition."

In a joint affidavit executed October 28, 1920, Frederick Blair, aged 78 years, and Nancy Blair, aged 73 years, both of Gate City, Va., testified as follows:

"That affiants knew the claimant in his boyhood days and well remember that it was reported in and around his home in Scott County, Va., early in the fall of 1864; that he had gone off in company with one Joe Fauber, a man of mature years, and enlisted in the Union Army. That not long after the claimant's disappearance from his home community he returned and the report was current that he had been captured by a Confederate force and later escaped and made his way back to the home of his parents; that immediately upon his return he was stricken with measles, the origin of which was unknown to deponents, but their inference would be he incurred the malady while a soldier or while a prisoner. Owing to a relapse of the measles the claimant's lungs and eyes became affected and developed into a permanent disability and at no time was he able to travel or report himself for military duty at any fort or garrison before the war closed and for a long time after peace was declared; that affiants remember the claimant was ill in the home of his parents and it is their belief that his detention was due wholly to physical causes and not the exercise of paternal restraint to prevent his return to the Army; that affiants have been advised that evidence is necessary to clear up the charge of desertion which stands against his military record in the War Department and also to correct certain errors heretofore appearing in the testimony previously filed to correct his record."

Under date of October 28, 1920, Robert Blalock, aged 73 years, and W. F. Fuller, both of Snowflake, Va., testified substantially as of the preceding affidavit.

Application for the desired relief has been denied, and now stands denied, on the ground that the soldier did not serve until May 1, 1865, and according to his own statement he was not prevented from completing his term of enlistment by reason of wounds, injuries, or disease received or contracted in the line of duty and because the case does not come within any of the provisions of the act of Congress approved March 2, 1889 (25 Stat. L. 869), the only law in force governing the subject of removal of charges of desertion.

Respectfully submitted.

P. C. HARRIS,  
*The Adjutant General.*

WAR DEPARTMENT,  
*The Adjutant General's Office,*  
December 22, 1920.

The SECRETARY OF WAR.

