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

REPORT

[To accompany H. R. 12903]

The Committee on Military Affairs, to whom was referred the bill (H. R. 12903) for the relief of Abraham H. Tompkins, having considered the same, report thereon with a recommendation that it do pass.

STATEMENT OF FACTS

Abraham H. Tompkins, on October 31, 1862, was appointed drum major in the New York National Guard, which was soon Federalized, and he served on the Federal muster roll until his discharge on October 31, 1863, as drum major and as chief musician. His appointment was as follows:

STATE OF NEW YORK.

To ABRAHAM H. TOMPKINS, greeting:

Having appointed you drum major of the Nineteenth Regiment, Seventh Brigade, and Second Division of the militia of the State of New York, I do, by virtue of the power vested in me, grant you this warrant. You are to obey the orders which you shall from time to time receive from your superior officers, and discharge with fidelity the duty of drum major according to the laws and regulations established for the government of the militia of this State.

Given under my hand at Newburgh this 31st day of October, A. D. 1862.

WILLIAM R. BROWN,

Commanding Nineteenth Regiment, National Guard, N. Y. S. M.,
One hundred and sixty-eighth Regiment, New York Volunteers.

Wm. M. Hathaway, Adjutant.

Major Tompkins’s discharge states that he was enrolled “a drum major,” but also states that he was discharged as “a musician.” The War Department reports that under date of February 28, 1863, Major Tompkins’s name appears on the muster roll as “drum major of the regiment,” and that under dates of April 10, April 30, and
June 30, 1863, Major Tompkins's name appears on the muster roll of the regiment as "chief musician."

The evidence before the committee shows that he continued in fact to serve as chief musician until his discharge, although the muster out roll and the discharge entered only the word "musician." The main record facts, together with the additional fact that Major Tompkins throughout his entire service continued to serve without any intermission as drum major and chief musician, would seem to indicate that inconsistent entries and his discharge only as musician represent one of those instances of confusion arising in war times.

Now more than 80 years of age, Major Tompkins has a just pride to have his record corrected to give him his proper rating as drum major to hand down to his posterity. No question of emoluments or back pay enters into Major Tompkins's desire.