

VETO MESSAGE.

WHITE HOUSE, June 23, 1902.

To the House of Representatives:

I return herewith, without approval, House bill No. 3309, entitled "An act to remove charge of desertion against Ephraim H. Gallion."

The bill authorizes and directs the Secretary of War to remove the charge of desertion standing against Ephraim H. Gallion, late of Company B, Eleventh Regiment of Tennessee Cavalry, as he was never mustered into the United States Service, which was not his fault or neglect, and was refused any pay for his service period.

The records of the War Department show that he was enrolled April 21, 1862, as a private of Company B, Sixth Tennessee Infantry Volunteers; that he was a prisoner of war from September 18 to October 11, 1862; that he was discharged from service on surgeon's certificate of disability February 13, 1863; that he again enlisted August 27, 1863, as a private in Company B, Eleventh Tennessee Cavalry, to serve three years; that he was again captured by the enemy and held as a prisoner of war from March 9 to March 21, 1864, when he was

paroled. He subsequently rejoined his company and served with it until September 4, 1864, when he deserted. No later record of him has been found.

While the records of the Eleventh Tennessee Cavalry are incomplete, and it is impossible to ascertain from them whether Gallion was formally mustered into service as a member of it or not, they show conclusively that he was actually made a soldier in this regiment by being placed on duty in it, and by being clothed and paid by the United States as a soldier.

In an affidavit submitted by Gallion, it is declared that he never received any moneys during his service as a member of the Eleventh Tennessee Cavalry. A pay roll on file in the office of the Auditor for the War Department shows that on May 13, 1864, at Camp Chase, Ohio, Gallion received from a United States paymaster \$105.73, being his pay, at the rate of \$13 per month, for eight months and four days from the date of his enlistment.

In view of the facts above set forth I am constrained to withhold my approval.

THEODORE ROOSEVELT