46TH CONGRESS, 2d Session. } SENATE. { REPORT No. 369.

IN THE SENATE OF THE UNITED STATES.

MARCH 16, 1880.—Ordered to be printed.

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

REPORT:

[To accompany bill S. 1484.]

The Committee on Military Affairs, to whom was referred the petition of Ernst Hein, of Utica, N. Y., praying for an honorable discharge from the United States Army, and that the charge of desertion be removed from his military record, having considered the same, beg leave to submit the following report:

The following is the military record of Ernst Hein as it appears on the records of the Adjutant-General's Office:

WAR DEPARTMENT,
ADJUTANT-GENERAL'S OFFICE,
Washington, D. C., March 6, 1880.

SIR: I have the honor to acknowledge the receipt of your letter of the 28th day of February, 1880, requesting a "statement of service" of Ernst Hein.

The following information has been obtained from the files of this office and is respectfully furnished in reply to your inquiry:

It appears from the rolls on file in this office that Ernst Hein was enrolled on the 20th day of August, 1861, at Dedham, in Company H, Eighteenth Regiment of Massachusetts Volunteers, to serve three years, or during the war, and mustered into service as a private on the 24th day of August, 1861, at Readville, in Company H, Eighteenth Regiment of Massachusetts Volunteers, to serve three years, or during the war. On the muster-rolls of Company H of that regiment from muster-in to February 28, 1863, he is reported present. March and April, 1863, absent sick; same to August 31, 1863, September and October, 1863; discharged on account of disability by order of Brig. General Martindale, September , 1863; was discharged on surgeon's certificate of disability September 7, 1863.

Ernst Hein was enrolled and mustered into service June 18, 1864, at Boston, Mass., as a recruit in the Veteran Reserve Corps, to serve three years. Muster-roll of unassigned detachment Veteran Reserve Corps for May and June, 1864, private, present for duty. Roll of Company C, Thirteenth Regiment (to which assigned) for July and August, 1864, same report. Subsequent rolls to August 31, 1865, corporal present for duty (promoted October 10, 1864). September and October, 1865. Deserted September 22, 1865. No later record.

A majority of the above company were mustered out by detachments at different dates—latest, November 30, 1865. The remainder were transferred to Sixth Independent Company Veteran Reserve Corps.

I am, sir, very respectfully, your obedient servant,

S. N. BENJAMIN
Assistant Adjutant-General.

TO COMMITTEE ON MILITARY AFFAIRS,
United States Senate.

The petitioner under oath avers that the charge of desertion against him is unjust and unwarranted by the true facts of the case. He

alleges that in September, 1865, he received a furlough from the colonel of his regiment for 48 hours for the purpose of visiting his family; that immediately on arriving home he was taken very sick and continued so for a number of months; that he remained under medical treatment until after the muster-out and discharge of his regiment; that he was, therefore, unable to return to his regiment, or to report to any military post or hospital, and that on account of his inability to return before his regiment was mustered out, the charge of desertion was placed on his military record.

The following is an affidavit sworn to by the petitioner himself, substantiating the before mentioned statements:

STATE OF NEW YORK,
County of Oneida, ss:

On this 23d day of February, 1880, personally appeared before me, a justice of the peace, within and for the county and State aforesaid, Ernst Hein, a resident of Utica, New York, who, being duly sworn according to law, declares that he received from Colonel Hendrickson, of the Veteran Reserve Corps, the regiment to which he was attached, a furlough for 48 hours, on or about the month of September, 1865, and that while on his way home to Utica was taken sick, and immediately on his arrival in Utica was taken home and went to bed sick, and was not able to, nor did he leave his bed for a number of months; was unable to travel or report to his regiment until after said regiment was mustered out of the service. That he was informed by a member of his regiment, by the name of Louis Herman, who called on him while he lay sick, in the month of December, 1865, or January, 1866, that their regiment was mustered out of service, and that said Herman is now dead.

ERNST HEIN.

Sworn to and subscribed before me this 23d day of February, 1880.

M. M. JONES,
Justice of the Peace, Utica, N. Y., Brvt. Maj. of Vols.

It will be observed from the military record, above quoted, that Ernst Hein was mustered into the service of the United States August 24, 1861, and was discharged, on account of disability, September 7, 1863. He was again mustered into the service June 18, 1864; promoted to the rank of corporal October 10, 1864, served with his regiment until *September*, 1865 (in which month he is charged with having deserted), and the latest detachment of his company was mustered out *November* 30, 1865. Thus it will be seen, that his statement, that he received his furlough and was taken sick in the month of *September*, corresponds with the record furnished by the Adjutant-General, which shows that he was absent from his regiment in that month. Hein states that he destroyed his furlough at the time it expired, supposing that it would be of no further use to him. This is an unfortunate circumstance, as the committee has no positive proof that he ever received the furlough which he claims was given him by his colonel, and simply have his own statement, under oath, that he received such furlough; but his statement that he was actually sick at the time claimed by him is fully corroborated by the following certificates of the physicians who attended him during his sickness:

To whom it may concern:

This may certify that in the year 1865, as near as I can recollect, I was called to attend Ernest Hein immediately on his return home on a *pass* from military service. I found him suffering from diarrhea, *which he contracted in the service.*

By reason of this sickness, he was prevented from returning to his regiment.

The foregoing statement is correct, to the best of my knowledge and belief.

WM. RUSSELL, M. D.

UTICA, ONEIDA COUNY, NEW YORK, *December* 22, 1879.

To whom it may concern :

I hereby certify that in the year 1866 I was called to attend Ernest Hein, of 158 Schuyler street, of this city, for erysipelatous inflammation of his arm, produced by illness brought on by exposure and trials incident to the life of a soldier.

P. H. THOMAS, M. D.

UTICA, COUNTY OF ONEIDA, *State of New York, January* 6, 1880.

The following letters, from citizens of Utica, N. Y., where the petitioner now resides, bear testimony as to his character and reliability:

UTICA, N. Y., *December* 23, 1879.

SIR: I know Ernst Hein of this city. His character and reputation are good. He is a hard-working man, and feels deeply the blot on his military record, which I am sure ought to be removed. He is a member of Bacon Post 53, G. A. R., and would not have been admitted to that order had not the post been satisfied that his record entitled him to membership.

Very truly, yours,

H. D. TALCOTT,
Ex-Post Commander, G. A. R., and Ex-Assistant Adjutant-General of Brigade.

Hon. J. D. CAMERON,
Washington, D. C.

UTICA, N. Y., *February* 23, 1879.

SIR: We have known Ernst Hein for the past forty years. Most of that time he has worked in our manufacturing department. His character and reputation are good. We know him to be an industrious, honest man, and any statement that he may make we think can be fully relied on. Trusting that you will do all that you can to have the blot of desertion erased from his war record,

We remain, respectfully yours,

GRIFFITH, ROBERTS & BUTLER.

Hon. J. D. CAMERON,
Washington, D. C.

The fact that the petitioner served faithfully during nearly his first term of enlistment, that he re-enlisted again and served with his company until within a little over two months of its muster out after the close of the war, is, in the opinion of your committee, very conclusive that he did not intentionally or willfully shirk the onerous duties of a soldier. It is very apparent that he was not disgusted with Army life from the fact he entered the Army the second time and served faithfully and honorably up to the time when he was granted the furlough. Had he been inclined to desert, he would not, in the judgment of the committee, have waited until after the close of the war, but would have deserted while the war was raging, and while danger was imminent.

Your committee have, therefore, come to the conclusion that the charge of desertion ought not to be allowed to stand forever as a blemish and stain upon his good and soldierly record; and as an act of justice to him they report a bill granting the relief prayed for in the petition, and recommend its passage.

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