

ALONZO C. SHEKELL

JANUARY 9, 1926.—Committed to the Committee of the Whole House and ordered to be printed

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

R E P O R T

[To accompany H. R. 1717]

The Committee on Military Affairs, to which was referred the bill (H. R. 1717) for the relief of Alonzo C. Shekell, having considered the same, report thereon with the recommendation that it do pass.

This measure was carefully considered and favorably reported in the Sixty-eighth Congress. It passed the House January 2, 1925, and was favorably reported in the Senate. Accordingly, your committee again reports the measure to the House and makes the report of the preceding Congress, which explains the merits of the case, a part of this report, as follows:

[House Report No. 797, Sixty-eighth Congress, First Session]

The Committee on Military Affairs, to whom was referred the bill (H. R. 5257) for the relief of Alonzo C. Shekell, having considered the same, report thereon with a recommendation that it do pass.

The official records show that Alonzo C. Shekell was enrolled October 4, 1864, and was mustered into service October 7, 1864, as a private Company B, Hall's independent battalion sharpshooters, Michigan Volunteers, to serve one year. The roll of the company covering the period from enrollment to February 28, 1865, shows him absent, sick in hospital, Harrisburg, Pa., November 13, 1864; he was reported transferred to Company H, First Michigan Sharpshooters, March 15, 1865, and on the roll of that company dated April 30, 1865, and on the one dated June 30, 1865, he was reported absent, sick; the muster-out roll of the company, dated July 28, 1865, shows him absent, sick in general hospital, no discharge given.

This soldier enlisted at the age of 16, giving his age as 17 for the purpose of being permitted to enlist, and upon the muster out of his organization did not appreciate the importance of securing a discharge.

The bill passed the Senate in the Sixty-seventh Congress, but failed of action in the House by reason of adjournment. A copy of the report of the Senate Committee on Military Affairs to accompany the bill in question is herewith made a part of this report.

[Senate Report No. 394, Sixty-seventh Congress, second session]

The Committee on Military Affairs, to which was referred the bill (S. 2498) to correct the military record of Alonzo C. Shekell, having considered the same, report favorably thereon with the recommendation that the bill do pass with the following amendments:

Strike out all after the enacting clause and insert the following:

"That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Alonzo C. Shekell, who was a member of Company H, First Regiment Michigan Sharpshooters, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a member of that organization on the 22d day of November, 1864: *Provided*, That no back pay, pension, bounty, or other emolument shall accrue prior to the passage of this act."

Amend the title so as to read: "A bill for the relief of Alonzo C. Shekell."

The War Department has recommended that in the event legislation is enacted for the relief of Shekell it be worded substantially as proposed in the above amendment.

The report from the War Department is appended hereto and made a part of this report, together with an affidavit executed by Shekell under date of September 15, 1921, as follows:

CASE OF ALONZO C. SHEKELL

Private, Company B, Hall's independent battalion sharpshooters, Michigan Volunteers, and Company H, First Regiment Michigan Sharpshooters, Civil War.

The records show that Alonzo C. Shekell was enrolled October 4, 1864, and was mustered into service October 7, 1864, as a private, Company B, Hall's independent battalion sharpshooters, Michigan Volunteers, to serve one year; the roll of the company covering the period from enrollment to February 28, 1865, shows him absent, sick in hospital, Harrisburg, Pa., November 13, 1864; he was reported transferred to Company H, First Michigan Sharpshooters, March 15, 1865, and on the roll of that company, dated April 30, 1865, and on the one dated June 30, 1865, he was reported absent, sick; the muster-out roll of the company, dated July 28, 1865, shows him absent, sick, in general hospital, no discharge given.

The medical records show him in post hospital, Camp Curtin, near Harrisburg, Pa., November 13 to 22, 1864, as convalescent, and returned to duty November 22, 1864.

Applying to this department for a certificate of discharge, the former soldier under date of April 29, 1892, declared that he incurred the measles at Washington, D. C., in the late fall of 1864, and was placed in a hospital at Harrisburg; that he was sick for two months; that when convalescent he was detailed at the hospital as orderly for the doctor; that he remained there until the war closed and the hospital was broken up, and he was told he could go home and get discharged or go where he pleased; that with some others he enlisted in the Marine Corps and served four years until discharged; that he never received a discharge from his first service.

He made practically the same statement in another affidavit executed January 9, 1893.

On January 17, 1893, in response to his application, he was requested to advise this office as to when, where, and under what name he enlisted in the Marine Corps. In an affidavit executed June 8, 1912, the former soldier makes substantially the same statement as he has heretofore made and which is set forth above with regard to his disability and his remaining in hospital as orderly for the doctor at Harrisburg, Pa., until some time in July, 1865. He states in the affidavit just referred to, however, that he was driving an ambulance also, and that his father wrote to him and told him that the regiment was going home and that he should go with it. He also declared that he left the hospital without consulting the doctor for the purpose of going home with his regiment, and that his regiment was discharged about that time and he never received his discharge.

Having been again called upon to advise this office as to where, when, and under what name he enlisted in the Marine Corps, the applicant in an affidavit executed August 27, 1912, declared he did not serve in any other branch of the service than in Hall's sharpshooters and the First Michigan Sharpshooters.

Under date of April 16, 1913, the former soldier again declared that he did not understand, as the war was over, the importance of his discharge from the hospital in Harrisburg, Pa.; and declared that the doctor told him to go home with

his regiment, and that he would be discharged with it there; that he got in the wrong train and got to New York City without a dollar to his name. In this affidavit he contended that he was in the hospital at Harrisburg until some time in July, 1865, and because the rolls of his company report him as absent, sick in hospital, contended that he should have a certificate of discharge under the act of March 2, 1889.

Repeated and exhaustive examinations of the records have been made, but nothing has been found to show definitely this man's whereabouts after November 22, 1864, the date on which he was returned to duty from hospital at Harrisburg, Pa. In view of this fact, the soldier is constructively regarded as a deserter, but as he has persistently claimed that he was on duty in Harrisburg until his company was mustered out, and does not intimate that he left his command without proper authority, it was not deemed proper when the case was up in September, 1912, to treat it as coming under the act of March 2, 1889. However, as he again applied for a discharge certificate in April, 1913, under that act, he was informed by this office, under date of April 23, 1913, through his attorney, that his case did not come within the provisions of the act of March 2, 1889, the only law in force governing the removal of the charges of desertion, for the reason that he did not complete his term of enlistment and that it does not appear that he was prevented from completing it by reason of physical disability incurred in the line of duty. His application for a discharge certificate under that act was therefore denied and now stands denied.

Respectfully submitted.

P. C. HARRIS,
The Adjutant General.

WAR DEPARTMENT,
The Adjutant General's Office, October 24, 1921.

Alonzo C. Shekell, of Farwell, Mich., being duly sworn, deposes and says that he was born in Waterloo, Seneca County, N. Y., December 17, 1848. That he enlisted in Company B, Hall's Independent Sharpshooters, at Coldwater, Mich., October 4, 1864, giving his age as 17 years. That he was transferred to Company H, First Michigan Sharpshooters. That on November 13, 1864, he was admitted to a hospital near Harrisburg, Pa., and that on November 22, 1864, was ordered to return to his company. That he was ill with measles when committed to the hospital and that he obeyed the order to return to this company in that he went to the depot and fainted there because of weakness and was taken back to the hospital, and no record has apparently been made of his readmission.

That he remained at the hospital until some time in the latter part of July, 1865, and that after his complete recovery that he did chores and odd jobs around the hospital, caring for the doctor's horse, etc.

That he left the hospital in the latter part of July, 1865, to be present at the muster out of his company at Jackson, Mich. That he got aboard the wrong train at Harrisburg, Pa., through error and was taken to New York City.

That he was advised by several older persons that inasmuch as the war was over that he was free to go where he pleased; he therefore spent several months working in New York City.

That by being committed to the hospital near Harrisburg, Pa., from November 22, 1864, until July, 1865, without proper record being made and the further fact that he boarded the wrong train at Harrisburg, Pa., which error prevented his being present at the muster out of his regiment, he was not given a discharge and was charged with desertion.

That he was young and inexperienced and did not realize the importance of securing the proper discharge papers. He believed what was told him, that as the war was over nothing further need be done.

That had it not been for the error in boarding the wrong train at Harrisburg, Pa., that he would have been present at the muster out of company at Jackson, Mich., on August 10, 1865.

That his age was 16 years at time of enlistment instead of 17 years, as given at time of enlistment. That age 17 years was given to insure his acceptance in the military service.

ALONZO C. SHEKELL.

Witnesses:

E. R. CHAFIN.
THOMAS E. FAIR.

STATE OF MICHIGAN, *County of Clare, ss:*

On this 15th day of September, in the year 1921, before me, the subscriber, a notary public in and for said county, personally appeared Alonzo C. Shekell, to me known to be the same person described in and who executed the within instrument, who acknowledged the same to be his free act and deed.

[SEAL.]

THOMAS E. FAIR,
Notary Public, Clare County, Mich.

My commission expires May 9, 1922.

The following affidavit is typical of several submitted to your committee:
STATE OF MICHIGAN, *County of Clare, ss:*

John A. Jackson, being duly sworn, deposes and says that he is the postmaster at the city of Clare, in the county of Clare, and State of Michigan. That he has read the affidavit of Alonzo C. Shekell, hereto attached, and knows the contents thereof. That he has been personally acquainted with the said Alonzo C. Shekell during the past 35 years. That he knows the said Alonzo C. Shekell to be honest, honorable, and upright, and believes that any statement made by the said Alonzo C. Shekell is true.

JOHN A. JACKSON.

Subscribed and sworn to before me this 15th day of September, 1921.

[SEAL.]

CARLOS A. READING,
Notary Public in and for Clare County, Mich.

My commission expires December 4, 1923.

The evidence submitted shows that Shekell enlisted at the age of 16, but stated at the time his age was 17 in order to assure his enlistment. The evidence also shows that owing to his youth and lack of education he did not realize the importance of securing an honorable discharge; that he was in the hospital at Harrisburg, Pa., until the close of the war; that he took the train at Harrisburg for Jackson, Mich., in order to be present at the muster out of his company, but, owing to a mistake got on a train for New York City, where he arrived penniless, and that he was assured by his elders that it was unnecessary for him to secure his discharge, as the war was over. In view of these circumstances, your committee is in favor of the proposed bill and urges its passage.

