

70TH CONGRESS } HOUSE OF REPRESENTATIVES } REPORT
2d Session } No. 2183

OLIVER ELLISON

JANUARY 22, 1929.—Committed to the Committee of the Whole House and ordered to be printed

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

R E P O R T

[To accompany H. R. 11614]

The Committee on Military Affairs, to whom was referred the bill (H. R. 11614) for the relief of Oliver Ellison, introduced by Mr. Welsh of Pennsylvania, having considered the same, report thereon with the recommendation that it do pass.

Oliver Ellison enlisted May 20, 1899, for a period of three years. In April, 1901, his commanding officer requested that he be discharged without honor for the good of the service. The soldier served in Port au Prince for one year and in Cuba for over six months. He was discharged in May, 1901. The soldier was never tried by general court-martial. In an affidavit furnished by Ellison he says that when he enlisted in the Army he could not read nor write.

The report of the War Department, an affidavit from the soldier, and three character affidavits are made a part of this report, as follows:

WAR DEPARTMENT,
THE ADJUTANT GENERAL'S OFFICE,
March 20, 1928.

The SECRETARY OF WAR.

The official records show that Oliver L. Ellison (Oliver Ellison not found) first enlisted in the United States Army, May 20, 1899, at Philadelphia, Pa., for three years, and was assigned to Troop H, Eighth United States Cavalry. In April, 1901, the commanding officer of Troop H, in a letter to The Adjutant General, United States Army, requested that Private Ellison be discharged without honor for the good of the service, and stated that the soldier was an habitual drunkard and was in every respect a poor soldier and a detriment to the service. He also stated that the soldier had been convicted nine times by summary courts-martial, since December 10, 1899, and that he was indebted to the Government for clothing overdrawn. Nothing has been found of record to show that he was tried by a general court-martial.

After due consideration of the case of this soldier the Assistant Secretary of War directed that he be discharged without honor, by reason of his own misconduct, and therefore he was discharged from service without honor May 15, 1901, at Morro Castle, Santiago, Cuba, a private, as published in paragraph 16, Special Orders, No. 101, A. G. O., dated May 1, 1901.

As the discharge without honor of this soldier has been duly carried into effect, it is now beyond the power of the War Department or of any executive branch of the Government to modify or set aside that action, and the War Department is without authority to alter or amend the records in its custody so as to make them show anything other than what they now show in regard to his service or to issue to him an honorable discharge.

Respectfully submitted.

LUTZ WAHL,
Major General, The Adjutant General.

6127 UPLAND AVENUE,
Philadelphia, Pa., December 15.

Hon. GEORGE A. WELSH,
Member of Congress, Washington, D. C.

DEAR SIR: In reply to your letter of the 13th would state that I enlisted May 19, 1899, at Philadelphia, Pa., in Troop H, Eighth United States Cavalry. I was sent to Bedloe Island, N. Y., and thence Port au Prince, Cuba, where I remained with my command for a year, thence to Sigaabloe, Cuba, for six months, thence to Santiago, Cuba, and discharged May 15, 1901.

At the time of my discharge it was given to me without honors. I can not account for this, only that I and another comrade, Patrick Berry, were doing kitchen or police duty; that while on this duty Private Jones, who was orderly clerk, informed us that we were to be discharged and at 11:30 a. m. Berry and I went to town and when we came back the next day we were discharged.

That while I was in the troop for about a month I was cleaning my gun, and had taken the magazine gate off and lost the spring, and on account of this I was tried and fined \$2, which I paid. On another occasion some other members of the troop broke quarantine while I was on guard duty and because of this I was tried for permitting these men to get away, and I was fined \$15.60, which I paid. On another occasion I got into a fight with Corporal Drake and was fined \$10, which I paid.

That while I was a member of this command I always performed whatever duties that were given to me and I was never tried by a general court-martial.

At time of my enlistment I could not read or write, and the troop commander, Captain Stockel, gave me some teaching.

Very truly yours,

OLIVER ELLISON.

Sworn and subscribed before me this 21st day of December, 1927.

[SEAL.] A. A. WRAY, *Notary public.*

My commission expires February 27, 1929.

PHILADELPHIA, January 4, 1928.

To whom it may concern:

I have known Oliver L. Ellison since childhood and have always found him honest and willing, and take pleasure in recommending him.

Yours very truly,

JAMES A. HART.

PHILADELPHIA, January 6, 1928.

To whom it may concern:

I have known Oliver L. Ellison for 25 years and have always found him honest, and am willing to recommend him, as he worked for me 10 years.

JOHN MCKEE.

PHILADELPHIA, Pa., January 5, 1928.

To whom it may concern:

Oliver L. Ellison has been known to me for a number of years and has often attended the men's meetings which I conduct at Calvary Settlement. I believe he is leading an upright life and feel that I know him sufficiently to recommend him as a trustworthy man.

Very truly yours,

CLARENCE S. LONG.