

JOHN V. BOVELL.

FEBRUARY 8, 1892.—Laid on the table and ordered to be printed.

Mr. WHEELER, of Alabama, from the Committee on Military Affairs, submitted the following

ADVERSE REPORT:

[To accompany H. R. 2845.]

The Committee on Military Affairs, to whom was referred the bill (H. R. 2845) for the relief of John V. Bovell, have considered the same.

The committee submit the following report from the War Department:

Case of John V. Bovell, late of Sixty-sixth Illinois Volunteers.

The records show that John V. Bovell was enrolled at Paris, Ill., September 10, 1861, and mustered in at St. Louis, Mo., October 10, 1861, as sergeant, Company E, Sixty-sixth Illinois Volunteers, to serve three years.

He is reported on muster roll from enrollment to October 31, 1861, present; January and February, 1862 (next roll on file), present as first sergeant; March and April 28, 1862, absent, sick in hospital since April 28, 1862, at Pittsburg Landing; May and June, 1862, absent, sick at Paris, Ill., since April 29, 1862; July and August, 1862, present, and he is so reported on subsequent rolls to December 31, 1862; January and February, 1863, present, promoted from first sergeant to second lieutenant, October 2, 1862; March and April, 1863, captured by the enemy at Rienzi, Miss., March 18, 1863.

He was dismissed the service in orders of which the following is a copy:

SPECIAL ORDERS, } WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
No. 203. } Washington, May 5, 1863.

[Extract.]

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5. By direction of the President the following officers are hereby dismissed the service for neglect of duty and absenting themselves from their commands, thus allowing themselves to be captured by the enemy.

* * * * *
Lieut. John Bovell, Sixty-sixth Illinois Volunteer Infantry.
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By order of the Secretary of War:

E. D. TOWNSEND,
Assistant Adjutant-General.

The records of prisoners of war show that Lieut. Bovell was captured at Corinth, Miss., on or about March 15, 1863. He was paroled at City Point, Va., May 25, 1863; reported at Camp Parole, Md., May 27, 1863; and was sent to his regiment June 8, 1863.

On March 23, 1864, an application for his restoration to service, or an honorable discharge on tender of resignation, was submitted to this Department, and was referred to the Judge-Advocate-General of the Army for review and report.

The following is a copy of that officer's report:

JUDGE-ADVOCATE-GENERAL'S OFFICE, April 6, 1864.

The papers relating to the case of Lieut. Bovell are respectfully returned to the Secretary of War. The within-named, Second Lieut. John V. Bovell, Sixty-sixth Illinois Volunteers, having been dismissed by Special Orders No. 203, May 5, 1863,

together with Lieut. Simpkins and Lieut. Lidick of the same regiment, for neglect of duty and absenting themselves from their commands, whereby they were captured by the enemy, a board of commission was convened by order of Brig. Gen. Carr, commanding left wing, Sixteenth Army Corps, September 14, 1863, to investigate the circumstances.

This board found Lieutenants Bovell and Lidick blameless, imputing the whole fault to Lieut. Simpkins, who was the ranking officer of the captured squad of men and officers and who gave the orders in consequence of which the command became exposed to attack from a superior force. The testimony taken and which is inclosed fully sustains this conclusion and shows Bovell and Lidick to have been prudent and efficient officers, while Simpkins was brave but indiscreet.

Lieut. Bovell applies to have the order of dismissal rescinded and to be restored with pay and allowances, and that he be granted an honorable discharge on tender of his resignation.

He files a petition in his favor signed by a large number of the officers of his regiment, and his own affidavit setting forth the facts substantially as found by the commission.

It appears that he was never mustered into the service, having recently been promoted when he went on the expedition on which he was captured. His commission from the Governor of Illinois sets forth that he was promoted for meritorious services at Fort Donelson and Pittsburg Landing.

While it is evident that the petitioner is entitled to relief, it is not perceived how he can be restored to the service into which he was never mustered, nor does it seem proper that he should receive full pay and allowances for the period of nearly a year, during which he has been out and, consequently, has performed no duty. Moreover, the vacancy has long since been filled.

It is submitted that the only relief in the power of the Department to afford, is, to rescind the order dismissing him, and, having directed his muster-in as of the date when he commenced to serve as a second lieutenant, to accept his resignation as of the date of the muster-in of his successor, to which date he will then become entitled to draw his pay.

J. HOLT,
Judge-Advocate-General.

In accordance with the recommendation of the Judge-Advocate-General of the Army, the following order was issued:

SPECIAL ORDERS, } WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
No. 147. } *Washington, April 14, 1864.*

[Extract.]

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54. Upon the report of the Judge-Advocate-General of the Army, and a board of officers duly convened, so much of Special Orders, No. 203, series of 1863, from this office, as dismissed Lieut. John V. Bovell, Sixty-sixth Illinois Volunteers, is revoked, and he is hereby mustered into service as Second Lieutenant, to date October 2, 1862, and honorably discharged to date August 13, 1863, at which time another party was mustered into service to fill the vacancy,

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By order of the Secretary of War:

E. D. TOWNSEND,
Assistant Adjutant-General,

It is proper to add that Mr. Bovell has been recognized by this Department, under the provisions of the acts of Congress approved June 3, 1864, and February 3, 1867, respectively, as having been commissioned as second lieutenant, Company E, Sixty-sixth Illinois Volunteers, to take effect from September 29, 1862, the earliest date on which a vacancy occurred for him in that grade.

Respectfully submitted.

F. C. AINSWORTH,
Major and Surgeon, U. S. Army.

RECORD AND PENSION DIVISION, *January 27, 1892.*

THE SECRETARY OF WAR.

The committee regret that they can not report the bill favorably, and they, therefore, report it back with a recommendation that it do not pass,