JOHN H. COWLEY

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

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

REPORT

[To accompany H. R. 949]

The Committee on Military Affairs, to which was referred the bill (H. R. 949) for the relief of John H. Cowley, 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. 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:

The Committee on Military Affairs, to whom was referred the bill (H. R. 4896) for the relief of John H. Cowley, having considered the same, report thereon with a recommendation that it do pass.

Under date of December 10, 1915, The Adjutant General of the War Department reported as follows on the bill:

WAR DEPARTMENT,

Hon. P. H. Kelley,
House of Representatives.

DEAR MR. KELLEY: I have the honor to return herewith the petition to Congress, received with your letter of the 8th instant, of the survivors of the Fourth Michigan Cavalry, for the enrollment—that is, for the placing of the name—of John H. Cowley, of Lansing, Mich., on the rolls of the Fourth Michigan Cavalry, it being alleged that, although he could not be enlisted on account of his youth, he attached himself to that regiment and remained with it during its entire service, participating in nearly every engagement and receiving two wounds, and referring to your request to be advised whether there is any way by which this can be accomplished, either through this department or by special act of Congress, I have the honor to inform you as follows:

The Fourth Michigan Cavalry was in service from August, 1862, to July, 1865, and, as is to be expected under the conditions stated, the name of John H. Cowley has not been found on the rolls of any company of that regiment, nor has anything else been found of record to show that he was connected with that regiment in any other capacity than that of a soldier. As the Fourth Michigan Cavalry
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has long since passed out of existence, Mr. Cowley can not, of course, be now enrolled or mustered in by this department as a member of that regiment.

The only way in which the records could be altered so as to make them show that he was a member of the regiment would be by the enactment of a law authorizing and requiring such an alteration to be made. Such procedure, however, is not commended, and the War Department has always advised against legislation of that character. Moreover, bills in which it was proposed to so alter or amend the official records of the department have several times encountered the presidential veto on the ground that the proposed legislation required falsification of records that should be kept inviolate.

If it should be thought proper by Congress to recognize the alleged services of Mr. Cowley, the object can be accomplished by the passage of a bill providing that in the administration of any laws, benefits, or privileges conferred upon honorably discharged soldiers he shall be held and considered to have been a member of that regiment during the period that it is claimed that he was connected with it.

At a meeting of the survivors of the Fourth Michigan Cavalry on June 17, 1913, the following certificate, or copy thereof, was adopted setting forth the service of the said John H. Cowley:

"This is to certify that on September 14, 1862, when our regiment, the Fourth Michigan Cavalry, left Detroit for the war in the South, that John H. Cowley, from Farmington, Mich., then only 15 years of age, came to our regiment and tried to enlist, but, being too young, was refused. Being determined to go to the war, he was taken along as assistant cook for regimental headquarters, and remained with the regiment during its entire service, participating in nearly every engagement during its service, receiving two wounds and having two horses shot from under him during engagements, and that he and Billy Bailey, the famous Tennessee scout attached to our regiment, became inseparable friends and were always scouting when on the march, which resulted in many a feast of chicken or ham and eggs when the larder was low. At the final wind-up of the war he was with the party that captured Jeff Davis."

We subscribe to the above statement, that his posterity may know and realize that the said John H. Cowley did his full share in helping to preserve the Union, and we would respectfully petition Congress to recognize the above facts and enroll the said John H. Cowley a member of the Fourth Michigan Cavalry.

CHARLES F. FULLER,
President Fourth Michigan Cavalry Association.

B. FRANK GOODING,
Secretary and Treasurer Fourth Michigan Cavalry Association.

Sworn to and subscribed before me this 25th day of June, 1913.

EDW. L. H. EYLEA, Notary Public.

My commission expires October 27, 1913.

Sworn to and subscribed before me this 18th day of June, 1913.

CHARLES F. HAMMOND, Notary Public.

My commission expires March 3, 1915.

From the foregoing report of the service of the said John H. Cowley and the report of The Adjutant General of the War Department it clearly appears that if it should be thought proper by Congress to recognize the alleged services of Mr. Cowley, same can be accomplished by the passage of H. R. 4896, altering the records so as to make them show the services of the said John H. Cowley, and that he was a member of the Fourth Michigan Cavalry, which was denied him at that time on account of his age, and that the favorable consideration of this measure would meet with our approval, in view of the fact that he did serve well and efficiently during the entire service of his regiment, viz, August, 1862, to July, 1865.