

## GEORGE J. COVERT

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APRIL 12, 1926.—Committed to the Committee of the Whole House and ordered to be printed

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

## REPORT

[To accompany H. R. 726]

The Committee on Military Affairs, to which was referred the bill (H. R. 726) providing for the relief of George J. Covert, having considered the same, report thereon with the recommendation that it do pass with the following amendment:

Strike out the period at the end of line 12, page 1, and in lieu thereof insert a colon and add the following:

*Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

George J. Covert was enrolled July 20, 1861, at Newburgh, N. Y., and was mustered into service July 31, 1861, as a private Company A, Fifty-sixth Regiment of New York Infantry Volunteers, to serve three years. The records show that he deserted from this organization on August 6, 1861, and did not again report to his regiment. In the evidence considered by the committee in connection with this measure it is shown, however, that as he was then under 18 years of age, his father forcibly removed him from the service. His so-called desertion was not, therefore, a voluntary act on his part.

Mr. Covert again enlisted in 1862 and was mustered in as of May 26 of that year as a member of Company D, Nineteenth Regiment New York State Militia, to serve three months. His service with this organization was honorable and he was mustered out with his company September 6, 1862, receiving an honorable discharge.

Mr. Covert was granted an invalid's pension, \$12 per month, in 1892, which he received to the time of his death, March 10, 1918. At the time his pension was granted it was the practice of the Pension Bureau to consider a contract of service entered into by a minor as voidable and that the repudiation of such a contract by desertion was not a bar to the allowance of a pension. Before the

widow, Alphenia Covert, made application for her pension in April, 1918, this practice had been discontinued, however, and her application was for that reason rejected.

The Commissioner of Pensions, in a letter addressed to Mr. H. B. Weston, 31 Prospect Street, Wappingers Falls, N. Y., under date of February 5, 1921, reported with respect to this widow's pension claim as follows:

Referring to the above-cited pension case in which Alphenia Covert filed claims for pensions as widow of the soldier, which were numbered W. O. 1119579, and in reponse to your inquiry in her behalf, of January 31, 1921, you are advised that while at the time the soldier's claim was allowed, it was the practice to consider a contract of service entered into by a minor as voidable, and his repudiation of such contract by desertion was not a bar to the allowance of a pension. This practice, however, was changed by the honorable, the Secretary of the Interior, in a decision rendered May 27, 1916, a copy of which is herewith inclosed.

The ground of rejection of the claim of the soldier's widow, as heretofore given, was in accordance with the practice which now prevails, and is adhered to.

The War Department's report in connection with a similar bill (H. R. 5257, 67th Cong., 1st sess.), under date of May 6, 1921, is as follows:

It is shown by the records of this office that one George J. Covert was enrolled July 20, 1861, at Newburgh, N. Y., and was mustered into service July 31, 1861, at that place as a private in Company A, Fifty-sixth Regiment New York Infantry Volunteers, to serve three years. He appears to have served faithfully thereafter until some time in August, 1861. One company record shows that he deserted the service at Newburgh, N. Y., August 20, 1861, and another that he deserted August 6, 1861.

The records also show that one George J. Covert was enrolled May 26, 1862, at Newburgh, N. Y., and was mustered into service June 19, 1862, to date May 26, 1862, at Baltimore, Md., as a private in Company D, Nineteenth Regiment New York State Militia (three months, 1862), to serve three months, and that he was mustered out of service and honorably discharged with that organization September 6, 1862, at Newburgh, N. Y., a private.

