

MRS. EMILY HORTON.

JULY 25, 1888.—Committed to the Committee of the Whole House and ordered to be printed

Mr. BLISS, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 5743.]

*The Committee on Pensions, to whom was referred the bill (H. R. 5743) granting a pension to Mrs. Emily Horton, have considered the same and report as follows:*

The claimant is the mother of George W. Horton, who was a corporal in Company H, Fourth U. S. Infantry, from September 24, 1864, to the date of his death, July 4, 1867. He was drowned while crossing the Platte River by the capsizing of a boat which carried a detachment of men who were on their way to the other bank to protect a train which was threatened by Indians.

His mother, the claimant, filed her claim for pension as dependent mother, but it was rejected by the Pension Bureau "on the ground of no dependence of the claimant upon the soldier at the date of his death."

It appears from the evidence in the claim that in 1867 the husband of the claimant was alive and able by his earnings to afford her a comfortable support. He died in 1884, having been in ill health for several years prior to his death. He did not own any real estate, and what personal property he had accumulated was consumed for maintenance before he died. Since his death the claimant has been in a dependent condition, and she is now sixty-four years of age. There is no question that now is the time when the mother needs the assistance which her son would render her were he living. He frequently sent her sums of money for her use while he was in service.

Upon the question of the time at which dependence should exist to entitle parents to a dependent pension the honorable Commissioner of Pensions, in his annual report for 1887 (page 20), states as follows:

The commencement of the period of dependence on the part of a father or mother in order to establish the right to pension is now fixed at the soldier's death. I respectfully suggest that the recognition of dependence and the claim of the father and mother upon the son for support is too narrowly bounded by fixing the period of dependence at the moment of the death of the son. If the condition of dependence has arisen without fault of the father or mother at a period subsequent to the death of the son, that is, if that condition of affairs is shown to exist without fault upon the part of the parents which, if the son had been living, would have thrown the burden of support upon him, that condition, it seems to me, should be recognized in the law. The greater the age, the greater the natural right and claim on the son for support.

The case under consideration manifests the propriety of the broadening of the laws relating to dependence.

The son's willingness to support the claimant and her present dependence are matters of proof.

The claimant should have a pension.

The passage of the bill is recommended.