

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 9, 1860.—Ordered to be printed.

Mr. DURKEE submitted the following

REPORT.

*The Committee on Pensions, to whom was referred the petition of Mary T. Maltby, praying to be allowed a pension, as widow of Lieutenant James West, of the army, beg leave to report :*

That it appears by a letter from Colonel D. S. Miles, United States Army, Lieutenant West was stationed at Fort Gibson, Cherokee Nation, in May, 1834, and that, during that month, he was detailed to accompany General Leavenworth as topographical officer; that in the month of September following he was brought back to Fort Gibson, and was confined to his bed until his death.

If the death of Lieutenant West could be traced to disease contracted while in the service, the petitioner would not be entitled to pension, under any general statute, were she now a widow; but it appears that she was again married in 1845, and that her husband still survives, and in such cases pensions could not be allowed while under coverture. The committee therefore recommend that the prayer of the petitioner be denied.