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Eliza Houghton.

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ELIZA HOUGHTON.

FEBRUARY 14, 1898.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. GIBSON, from the Committee on Invalid Pensions, submitted the following

REPORT.

[To accompany H. R. 4193.]

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 4193) to pension Eliza Houghton, have considered the same, the evidence adduced and the principle involved, and respectfully report:

This bill as amended proposes, to pension Eliza Houghton, of Big Lake, Minn., at the rate of \$12 per month as the invalid and helpless daughter of Newel E. Houghton.

In August, 1862, there was an outbreak of Sioux Indians in the State of Minnesota, and an attack was made by them upon the town of New Ulm, in said State. A company was organized and formed for the purpose of defense against said Indians, and was known as the Mankato Company, and was commanded by Capt. William Bierbauer. This company belonged to a regiment commanded by Col. Charles E. Flandrau, and participated in the suppression of said Indian outbreak, and was actively engaged at New Ulm on the 22d day of August, 1862, in defending that town against the Indian attack. The company performed very valuable services and was exposed to great danger, and said Newel E. Houghton, while engaged in a charge upon the Indians, who had gained possession of a portion of the town, was shot and killed. He left him surviving this daughter, Eliza Houghton, then 10 years of age. The mother was dead. The father left no property, and the child, now about 47 years of age, is very poor and needy. She is and always has been within the description of children to whom the act of 1890 gives a permanent pension where the father died prior to their reaching the age of 16 years. This woman is not able to support herself.

These facts are abundantly sustained by records and the evidence of Colonel Flandrau.

It is not certain that under the provisions of sections 4692, 4693, and 4702 of the Revised Statutes this woman is not entitled to a pension of \$12 per month from the date of her father's death to the time she arrived at the age of 16, but under the circumstances of the case your

committee will not require her to experiment with the Pension Bureau as to the proper construction and effect of these sections.

Section 4692, above referred to, provides for the pensioning of any person disabled since March 4, 1861, by reason of disabilities incurred while a volunteer and rendering service in engagement with rebels or Indians, and which disability is consequent upon wounds or injury received in the line of duty in such temporary service. The section further provides that such claim must have been prosecuted to a successful issue prior to the 4th day of July, 1874. It is clear that had the soldier left a widow she could have prosecuted the claim and could have obtained a pension on account of the death of this soldier. The father was never on the pension roll, and there is no mother to be pensioned. No one applied for a pension for the infant while it was under 16 years of age.

Under the holdings of the Department, as neither the child nor the mother was on the pension roll the child can not now be placed there. The case is, however, within the spirit of the law and is an exceptional and meritorious one, and while this committee has frequently declared against the pensioning of the children of soldiers who were not in this condition prior to reaching the age of 16 years, it has also as emphatically declared that those who were in a helpless condition prior to reaching that age, and whose father lost his life in the service of his country, should be aided and assisted by the General Government.

The bill is therefore favorably reported, with the recommendation that it be amended by striking out the word "fifteen," in line 12, and inserting in lieu thereof the word "twelve," and that when so amended the bill do pass.

