

U.S. LAWS, Statutes etc

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(3-1571)

LAWS OF THE UNITED STATES

GOVERNING THE GRANTING OF

ARMY AND NAVY PENSIONS

TOGETHER WITH THE

REGULATIONS RELATING THERETO

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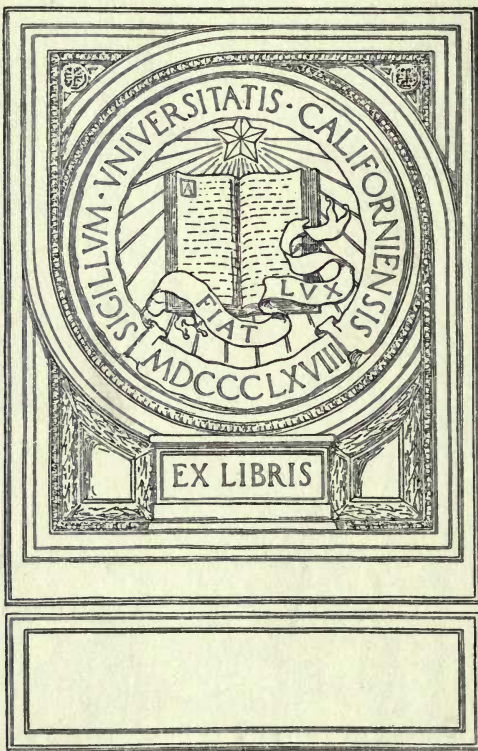
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COMPILED UNDER THE DIRECTION OF THE COMMISSIONER OF PENSIONS AND PUBLISHED IN ACCORDANCE WITH THE PROVISIONS OF SECTION 406, REVISED STATUTES

JAMES L. DAVENPORT, Commissioner of Pensions



WASHINGTON
GOVERNMENT PRINTING OFFICE
1913



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JAMES L. DAVENPORT, Commissioner of Pensions



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AUTHORITY FOR PUBLICATION.

SEC. 4748. That the Commissioner of Pensions, on application being made to him in person, or by letter, by any claimant or applicant for pension, bounty-land, or other allowance required by law to be adjusted or paid by the Pension Office, shall furnish such person, free of all expense, all such printed instructions and forms as may be necessary in establishing and obtaining said claim; and on the issuing of a certificate of pension or of a bounty-land warrant, he shall forthwith notify the claimant or applicant, and also the agent or attorney in the case, if there be one, that such certificate has been issued, or allowance made, and the date and amount thereof.

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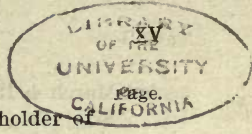
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Chapter I.

ADMINISTRATIVE ORGANIZATION.

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ACT JUNE 22, 1906. Clerks, etc., to serve three years in one department before transfer to another, etc.

SEC. 1784, R. S. Contributions, etc., to superiors prohibited.

ACT AUG. 29, 1890. Notaries public in Government employ to administer oaths free of charge in certain cases.

ORDER OF JAN. 5, 1905, AND ORDER OF APR. 7, 1905. Notarial charges by persons in Government employ during office hours prohibited.

ACT MAR. 4, 1911. Appropriation for Pension Office force and limitations imposed.

There shall be at the seat of Government an Executive Department to be known as the Department of the Interior, and a Secretary of the Interior, who shall be the head thereof.

Sec. 437, R. S. Department of the Interior, creation of.

The Secretary of the Interior is charged with the supervision of public business relating to the following subjects: * * *

Sec. 441, R. S. Secretary of the Interior, duties of

Fourth. Pensions and bounty-lands. * * *

Each head of a Department is authorized to employ in his Department such number of clerks of the several classes recognized by law, and such messengers, assistant messengers, copyists, watchmen, laborers, and

Sec. 169, R. S. Departmental employees. Authorization for appointment of departmental clerks, etc.

other employes, and at such rates of compensation, respectively, as may be appropriated for by Congress from year to year.

Sec. 470, R. S.
Commissioner
of Pensions.

There shall be in the Department of the Interior a Commissioner of Pensions, who shall be appointed by the President, by and with the advice and consent of the Senate, and shall be entitled to receive a salary of four thousand dollars a year.¹

Sec. 471, R. S.
Duties of Com-
missioner of Pen-
sions.

The Commissioner of Pensions shall perform, under the direction of the Secretary of the Interior, such duties in the execution of the various pension and bounty-land laws as may be prescribed by the President.

Sec. 472, R. S.
Deputy Com-
missioner of Pen-
sions.

There shall be in the Department of the Interior a Deputy Commissioner of Pensions,² who shall be appointed by the President, by and with the advice and consent of the Senate, who shall be charged with such duties in the Pension Bureau as may be prescribed by the Secretary of the Interior, or may be required by law, and in case of death, resignation, absence, or sickness of the Commissioner, his duties shall devolve upon the Deputy Commissioner until a successor is appointed or such absence or sickness ceases. The Deputy Commissioner shall be entitled to receive an annual salary of twenty-five hundred dollars.

Act Aug. 5,
1882, 22 Stat. L.,
248, c. 389, part.
Duties of first
and second deputy
commission-
ers.

* * * *Provided*, That the duties of first and second deputy commissioners shall be such as are now fixed by law for the deputy commissioner of pensions; and in case of death, resignation, absence, or sickness of the Commissioner his duties shall devolve upon the first deputy commissioner until his successor is appointed, or such absence or sickness ceases, and in case of the like absence of the Commissioner and first deputy commissioner, the second deputy commissioner shall act as Commissioner in like manner. * * *

Sec. 178, R. S.
Vacancies in
subordinate of-
fices.

Act July 23,
1868, c. 227, sec.
2, v. 15, p. 168.

In case of the death, resignation, absence, or sickness of the chief of any Bureau, or of any officer thereof, whose appointment is not vested in the head of the Department, the assistant or deputy of such chief or of such officer, or if there be none, then the chief clerk of

¹ See Sec. 472 for note.

² Additional deputy commissioner provided for under the act of Mar. 3 1881, 21 Stat. L., 408, c. 130.

Salary of commissioner, \$5,000, and deputy commissioners, \$3,600 each appropriation act of Aug. 5, 1882, 22 Stat. L., 247, C. 389. These salaries respectively, have been continued in all subsequent appropriation acts.

such Bureau, shall, unless otherwise directed by the President, as provided by section one hundred and seventy-nine, perform the duties of such chief or of such officer until a successor is appointed or such absence or sickness shall cease.

In any of the cases mentioned in the two preceding sections, except the death, resignation, absence, or sickness of the Attorney-General, the President may, in his discretion, authorize and direct the head of any other Department or any other officer in either Department whose appointment is vested in the President, by and with the advice and consent of the Senate, to perform the duties of the vacant office until a successor is appointed, or the sickness or absence of the incumbent shall cease.

Sec. 179, R. S.
Discretionary
authority of the
President.
Act July 23,
1868, c. 227, sec. 3,
v. 15, p. 168.
Act June 22,
1870, c. 150, sec. 2,
v. 16, p. 162.

Each chief clerk in the several Departments and Bureaus, and other offices connected with the Departments, shall supervise, under the direction of his immediate superior, the duties of the other clerks therein, and see that they are faithfully performed.

Sec. 173, R. S.
Chief clerks
duties of.

Each chief clerk shall take care, from time to time, that the duties of the other clerks are distributed with equality and uniformity, according to the nature of the case. He shall revise such distribution from time to time, for the purpose of correcting any tendency to undue accumulation or reduction of duties, whether arising from individual negligence or incapacity, or from increase or diminution of particular kinds of business. And he shall report monthly to his superior officer any existing defect that he may be aware of in the arrangement or dispatch of business.

Sec. 174, R. S.
Id.

And the Chief Clerks of the several Executive Departments and of the various bureaus and offices thereof in Washington, District of Columbia, are hereby authorized and directed, on application and without compensation therefor, to administer oaths of office to employees required to be taken on their appointment or promotion.

Act Aug. 29,
1890, 26 Stat. L.,
371, c. 820, part.
Chief clerks to
administer oaths
in certain cases.

PENSION OFFICE: For private secretary¹ to be selected and appointed by the Commissioner of Pensions at the rate of two thousand dollars per annum from March fourth, nineteen hundred and five, to June thirtieth, nineteen hundred and six, both inclusive, two thousand six hundred and fifty dollars.

Act Mar. 3, 1905,
33 Stat. L., 1233,
c. 1484, part.
Private secre-
tary for Commis-
sioner of Pen-
sions; salary.

¹ Provision for private secretary continued in subsequent appropriation acts.

Act Aug. 8,
1882, 22 Stat. L.,
373, c. 469, part.
Sec. 4766
amended.

That section forty-seven hundred and sixty-six, title fifty-seven, of the Revised Statutes of the United States is hereby amended to read as follows:

Inspection of
pension agencies
and boards of
examining sur-
geons.

"SEC. 4766. * * * The Commissioner of Pensions may, when in his judgment it shall be deemed necessary or proper, visit in person, for the purpose of examination and inspection, or may send any one or more of the officers of his bureau for that purpose, any of the pension agencies or medical examining boards or surgeons; and the necessary and actual expenses of such visits shall be paid by the Secretary of the Interior upon properly executed vouchers, out of the contingent fund of said bureau."

Sec. 474, R. S.
Investigation
of attempts at
fraud. Act Mar.
3, 1873, sec. 30,
17 Stat. L., 575.
See act July 25,
1882, amending
sec. 4744, R. S.,
22 Stat. L., 176.

The Commissioner of Pensions is authorized to detail, from time to time, any of the clerks in his Office to investigate any suspected attempts to defraud the United States, in or affecting the administration of any law relative to pensions, and to aid in prosecuting any persons implicated, with such additional compensation as is customary in cases of special service. Any person so detailed shall have the power to administer oaths in the course of any such investigation.

Act July 25,
1882, 22 Stat. L.,
175, c. 349, sec. 2.
Sec. 4744
amended.

That section forty-seven hundred and forty-four, title fifty-seven, of the Revised Statutes of the United States is hereby amended to read as follows:

Special service
for investigating
suspected at-
tempts at fraud.

"SEC. 4744. The Commissioner of Pensions is authorized to detail from time to time clerks or persons employed in his office to make special examinations into the merits of such pension or bounty land claims, whether pending or adjudicated, as he may deem proper, and to aid in the prosecution of any party appearing on such examinations to be guilty of fraud, either in the presentation or in procuring the allowance of such claims; and any person so detailed shall have power to administer oaths and take affidavits and depositions in the course of such examinations, and to orally examine witnesses, and may employ a stenographer, when deemed necessary by the Commissioner of Pensions, in important cases, such stenographer to be paid by such clerk or person, and the amount so paid to be allowed in his accounts."

Act Mar. 3, 1891,
26 Stat. L., 1083,
c. 548, sec. 3.
Oaths, special
examiners to ad-
minister.

That the same power to administer oaths and take affidavits, which by virtue of section forty-seven hundred and forty-four of the Revised Statutes is conferred upon clerks detailed by the Commissioner of Pensions from his office to investigate suspected attempts at fraud

on the Government through and by virtue of the pension laws, and to aid in prosecuting any person so offending, shall be, and is hereby, extended to all special examiners or additional special examiners employed under authority of Congress to aid in the same purpose.

* * * The reports of the special examiners of the Bureau of Pensions shall be open to inspection and copy by the applicant or his attorney, under such rules and regulations as the Secretary of the Interior may prescribe.¹

Act May 28,
1908, 35 Stat. L.,
419, c. 208, part.
Reports of special
examiners to
be open to in-
spection.

That section one hundred and eighty-three of the Revised Statutes of the United States be, and is hereby, amended so as to read as follows:

Act Feb. 13,
1911, 36 Stat. L.,
898, c. 43.
Sec. 183. R. S.,
amended.

“SEC. 183. Any officer or clerk of any of the departments lawfully detailed to investigate frauds on, or attempts to defraud, the Government, or any irregularity or misconduct of any officer or agent of the United States, and any officer of the Army, Navy, Marine Corps or Revenue-Cutter Service, detailed to conduct an investigation, and the recorder, and if there be none the presiding officer, of any military, naval, or Revenue-Cutter Service board appointed for such purpose, shall have authority to administer an oath to any witness attending to testify or depose in the course of such investigation.”

Investigation of
misconduct, etc.,
of officers or
agents of the
United States.

Any head of a Department or Bureau in which a claim against the United States is properly pending may apply to any judge or clerk of any court of the United States, in any State, District, or Territory, to issue a subpoena for a witness being within the jurisdiction of such court, to appear at a time and place in the subpoena stated, before any officer authorized to take depositions to be used in the courts of the United States, there to give full and true answers to such written interrogatories and cross-interrogatories as may be submitted with the application, or to be orally examined and cross-examined upon the subject of such claim.

Sec. 184, R. S.
Act Feb. 14,
1871, sec. 1, 16
Stat. L., 412.

Subpoenas to
witnesses.

That in addition to the authority conferred by section one hundred and eighty-four, title four of the Revised Statutes, any judge or clerk of any court of the United States in any State, District, or Territory shall have power, upon the application of the Commissioner of

Act July 25,
1882, 22 Stat. L.,
175, c. 349, sec. 3.
Subpoena for
witness.
Sec. 184 amend-
ed.

¹ This language first used in act April 4, 1900, 31 Stat. L., 59. Last used in act May 28, 1908, in the third proviso of the third paragraph. Near the beginning of the paragraph the word “hereafter” is used limiting the body of the paragraph and its several provisos.

Pensions, to issue a subpoena for a witness, being within the jurisdiction of such court, to appear, at a time and place in the subpoena stated, before any officer authorized to take depositions to be used in the courts of the United States, or before any officer, clerk, or person from the Pension Bureau designated or detailed to investigate or examine into the merits of any pension claim and authorized by law to administer oaths and take affidavits in such investigation or examination, there to give full and true answers to such written interrogatories and cross interrogatories as may be propounded, or to be orally examined and cross-examined upon the subject of such claim; and witnesses subpoenaed pursuant to this and the preceding section shall be allowed the same compensation as is allowed witnesses in the courts of the United States, and paid in the same manner.

Sec. 185, R. S.
Witnesses' fees.
Act Feb. 14,
1871, c. 51, sec. 1,
v. 16, p. 412.

Witnesses subpoenaed pursuant to the preceding section shall be allowed the same compensation as is allowed witnesses in the courts of the United States.

Sec. 186, R. S.
Compelling tes-
timony.

If any witness, after being duly served with such subpoena, neglects or refuses to appear, or, appearing, refuses to testify, the judge of the district in which the subpoena issued may proceed, upon proper process, to enforce obedience to the subpoena, or to punish the disobedience, in like manner as any court of the United States may do in case of process of subpoena ad testificandum issued by such court.

Sec. 1, act Feb.
14, 1871, 16 Stat.
L., 412.

Whenever any head of a Department or Bureau having made application pursuant to section one hundred and eighty-four, for a subpoena to procure the attendance of a witness to be examined, is of opinion that the interests of the United States require the attendance of counsel at the examination, or require legal investigation of any claim pending in his Department or Bureau, he shall give notice thereof to the Attorney-General, and of all facts necessary to enable the Attorney-General to furnish proper professional service in attending such examination, or making such investigation, and it shall be the duty of the Attorney-General to provide for such service.

Sec. 187, R. S.
Professional as-
sistance; how ob-
tained.
Act Feb. 14,
1871, c. 51, sec. 3,
v. 16, p. 412.

In case of the sickness or unavoidable absence of any disbursing clerk or disbursing agent of any executive department, independent bureau, or office, in Washington, District of Columbia, he may, with the approval of the head of the department, independent bureau, or office, in

Act Mar. 4, 1909,
35 Stat. L., 1027,
c. 299, sec. 8.
Disbursing of-
ficers.
Substitutes au-
thorized in case of
illness, etc.

which said disbursing clerk or agent is employed, authorize the clerk of highest grade employed therein to act in his place, and to discharge all the duties by law or regulations of such disbursing clerk or agent. The official bond given by the principal of the office shall be held to cover and apply to the acts of the person appointed to act in his place in such cases. Such acting officer shall, moreover, for the time being, be subject to all the liabilities and penalties prescribed by law for the official misconduct in like cases, of the disbursing clerk or disbursing agent, respectively, for whom he acts, and such acting officer shall be required by the head of the department, independent bureau, or office, to give bond to and in such sum as the disbursing clerk or disbursing agent may require.

Bond of acting officer.

That hereafter no part of the public moneys, or of any appropriation heretofore or hereafter made by Congress, shall be used for the payment of compensation or expenses of any commission, council, board, or other similar body, or any members thereof, or for expenses in connection with any work or the results of any work or action of any commission, council, board, or other similar body, unless the creation of the same shall be or shall have been authorized by law; nor shall there be employed by detail, hereafter or heretofore made, or otherwise personal services from any executive department or other government establishment in connection with any such commission, council, board, or other similar body.

Act Mar. 4, 1909, 35 Stat. L., 1027, c. 299, sec. 9.
Commissions, etc., compensation, etc., of, unless created by law, forbidden.

Details prohibited.

It shall be the duty of the head of each Executive Department and other Government establishment at Washington to submit to Congress at the beginning of each regular session a statement showing in detail what officers or employees (other than special agents, inspectors, or employees, who in the discharge of their regular duties are required to constantly travel) of such Executive Department or other Government establishment have traveled on official business from Washington to points outside of the District of Columbia during the preceding fiscal year, giving in each case the full title of the official or employee, the destination or destinations of such travel, the business or work on account of which the same was made, and the total expense to the United States charged in each case.

Act May 22, 1908, 35 Stat. L., 244, c. 186, sec. 4.
Travel expenses of department employees at Washington to be reported annually.

Act June 22,
1906, 34 Stat. L.,
449, c. 3514, sec. 5.

Clerks, etc., to
serve three years
in one depart-
ment before
transfer to an-
other.

Sec. 6, id.
Details of civil
employees to de-
partments from
outside the Dis-
trict of Columbia
restricted.

Sec. 1784, R. S.
Prohibition of
contributions,
presents, etc., to
superiors.
Act Feb. 1,
1870, c. 11, v. 16,
p. 63.

Act Aug. 29,
1890, 26 Stat. L.,
371, c. 820, part.
Notaries public
who are Govern-
ment employees.
Oaths.

Prohibition
against notarial
charges.

It shall not be lawful hereafter for any clerk or other employee in the classified service in any of the Executive Departments to be transferred from one Department to another Department until such clerk or other employee shall have served for a term of three years in the Department from which he desires to be transferred.

Hereafter it shall be unlawful to detail civil officers, clerks, or other subordinate employees who are authorized or employed under or paid from appropriations made for the military or naval establishments, or any other branch of the public service outside of the District of Columbia, except those officers and employees whose details are now specially provided by law, for duty in any bureau, office, or other division of any Executive Department in the District of Columbia, except temporary details for duty connected with their respective offices.

No officer, clerk, or employé in the United States Government employ shall at any time solicit contributions from other officers, clerks, or employés in the Government service for a gift or present to those in a superior official position; nor shall any such officials or clerical superiors receive any gift or present offered or presented to them as a contribution from persons in Government employ receiving a less salary than themselves; nor shall any officer or clerk make any donation as a gift or present to any official superior. Every person who violates this section shall be summarily discharged from the Government employ.

And no officer, clerk, or employee of any executive department who is also a notary public or other officer authorized to administer oaths, shall charge or receive any fee or compensation for administering oaths of office to employees of such department required to be taken on appointment or promotion therein.

ORDER.]

DEPARTMENT OF THE INTERIOR,

Washington, D. C., January 5, 1905.

By direction of the President:

It is hereby ordered that hereafter no officer, clerk, or employee in the Executive service of the Government, who is also a notary public, shall charge or receive any compensation whatever for performing any notarial act for an officer, clerk, or employee of the Government in his official capacity, or in any matter in which the Govern-

ment is interested, or for any person when, in the case of such person, the act is performed during the hours of such notary's service to the Government. Disobedience of this order shall be ground for immediate dismissal from the service.

E. A. HITCHCOCK, *Secretary*.

On March 31, 1905, the President directed the amendment of the above by adding at the end thereof the following paragraph:

"This order shall not apply to oaths of disinterestedness, or other oaths required to be made by law, provided that the work in connection therewith is not performed during office hours."

E. A. HITCHCOCK, *Secretary*.

APRIL 7, 1905.

That the following sums be, and the same are hereby, appropriated, out of any money in the Treasury not otherwise appropriated, in full compensation for the service of the fiscal year ending June thirtieth, nineteen hundred and twelve, for the objects hereinafter expressed, namely: * * *

Act Mar. 4, 1911,
36 Stat. L., 1216,
c. 237, sec. 1, part.

PENSION OFFICE: Commissioner of Pensions, five thousand dollars; Deputy Commissioner, three thousand six hundred dollars; Second Deputy Commissioner, three thousand six hundred dollars; chief clerk, two thousand five hundred dollars; assistant chief clerk,¹ two thousand dollars; medical referee, three thousand dollars; assistant medical referee, two thousand two hundred and fifty dollars; two qualified surgeons, at two thousand dollars each; fifteen medical examiners, at one thousand eight hundred dollars each; eight chiefs of division, at two thousand dollars each; law clerk, two thousand two hundred and fifty dollars; chief of board of review, two thousand two hundred and fifty dollars; fifty-seven principal examiners, at two thousand dollars each; private secretary, to be selected and appointed by the Commissioner of Pensions, two thousand dollars; sixteen assistant chiefs of division, at one thousand eight hundred dol-

Pension office,
authorized force.

¹ By the act of Aug. 5, 1882 (22 Stat. L., 247), provision is first made for assistant chief clerk, law clerk, chiefs of division, assistant medical referee, qualified surgeons, and medical examiners. The first appropriation for chief of the board of review is in the act of Apr. 28, 1902 (32 Stat. L., 159). A private secretary to the commissioner was first authorized by the act of Mar. 3, 1905 (33 Stat. L., 1233).

lars each; three stenographers, at one thousand six hundred dollars each; ninety-five clerks of class four; one hundred clerks of class three; two hundred and seventy-five clerks of class two; two hundred and ninety-five clerks of class one; sixty-five clerks, at one thousand dollars each; thirty copyists; twenty-seven messengers; twelve assistant messengers; seventeen skilled laborers, at six hundred and sixty dollars each; twenty messenger boys, at four hundred dollars each; and for the following for care of buildings under the chief clerk of the Interior Department, namely, superintendent of building, one thousand four hundred dollars; two engineers, at one thousand two hundred dollars each; three firemen; twenty-three laborers; ten female laborers, at four hundred dollars each; fifteen charwomen; painter, skilled in his trade, nine hundred dollars; cabinetmaker, skilled in his trade, nine hundred dollars; captain of the watch, eight hundred and forty dollars; three sergeants of the watch, at seven hundred and fifty dollars each; twenty watchmen; in all, one million four hundred and eighty-three thousand six hundred and twenty dollars.

Per diem, etc.
Investigations.

For per diem, when absent from home and traveling on duty outside the District of Columbia, for special examiners or other persons employed in the Bureau of Pensions, detailed for the purpose of making special investigations pertaining to said bureau, in lieu of expenses for subsistence, not exceeding three dollars per day, and for actual and necessary expenses for transportation and assistance, and any other necessary expenses, including telegrams, two hundred and fifteen thousand dollars.

Card-index system.

For continuing the installation of the card-index system of the records of the Pension Office, ten thousand dollars.

Additional special examiners.

For an additional force of forty-five special examiners for one year, at one thousand three hundred dollars each, fifty-eight thousand five hundred dollars, and no person so appointed shall be employed in the State from which he is appointed; and any of those now employed in the Pension Office or as special examiners may be reappointed if they be found to be qualified.

Sec. 2, id.
Pay of switchboard operators, assistant messengers, laborers, etc., rated.

The pay of telephone-switchboard operators, assistant messengers, firemen, watchmen, laborers, and charwomen provided for in this Act, except those employed in mints and assay offices, unless otherwise specially stated, shall

be as follows: For telephone-switchboard operators, assistant messengers, firemen, and watchmen, at the rate of seven hundred and twenty dollars per annum each; for laborers, at the rate of six hundred and sixty dollars per annum each; assistant telephone-switchboard operators at the rate of six hundred dollars each; and for charwomen, at the rate of two hundred and forty dollars per annum each.

That the appropriations herein made for the officers, clerks, and persons employed in the public service shall not be available for the compensation of any persons incapacitated otherwise than temporarily for performing such service, and the heads of departments shall cause this provision to be enforced.

Sec. 3, id.
No pay for per-
manently dis-
abled persons.

Chapter II.

PENSIONS BASED ON SERVICE PRIOR TO MARCH 4, 1861.

- ACT MAR. 16, 1802, SEC. 14. Invalid pensions.
- ACT APR. 24, 1816. Rates in invalid pension claims.
- SEC. 1657, R. S. Volunteers, etc., to suppress Indian depredations in Florida; benefits to.
- SEC. 4228, R. S. Pensions to officers and seamen of the Navy disabled prior to Mar. 4, 1861.
- SEC. 4729, R. S. Pensions to widows and minors of certain officers and seamen of the Navy disabled prior to March 4, 1861.
- SEC. 1656, R. S. Pensions to widows, etc., of those who die in the service.
- SEC. 4732, R. S. Widows and minor children of persons engaged in the War of 1812, and in the various Indian wars since 1790.
- SEC. 4725, R. S. Half-pay pensions to widows and children; commencement of.
- SEC. 4726, R. S. Minor's title on remarriage of widow.
- SEC. 4727, R. S. Rate of half-pension.
- SEC. 4712, R. S. Extension of general pension laws to old war pensioners in the matter of rates.
- ACT JUNE 9, 1880. To restore pensions in certain cases.
- SEC. 4713, R. S. Commence of ante-rebellion pensions.
- ACT MAR. 9, 1878. Pensions to survivors of the War of 1812 and their widows.
- ACT JULY 27, 1892. Pensions to survivors of certain Indian wars and their widows.
- ACT JUNE 27, 1902. Extension of provisions of act July 27, 1892.
- ACT MAY 30, 1908. Extension of provisions of act July 27, 1892.
- ACT FEB. 3, 1893. Citizenship in Indian war claims; proof.
- SEC. 4730, R. S. Mexican War; Regulars or Volunteers disabled; pensioned.
- SEC. 4731, R. S. Widows and children of Regulars or Volunteers in the Mexican War.
- ACT JAN. 29, 1887. Mexican survivors and certain widows to be pensioned.
- SEC. 3, FOURTEENTH AMENDMENT, CONSTITUTION OF THE UNITED STATES. Political disabilities created.
- ACT JUNE 6, 1898. Political disabilities removed.
- ACT JAN. 5, 1893. Increase of pension in certain Mexican War cases.
- ACT APR. 23, 1900. Increase of pension in certain Mexican War cases.
- ACT MAR. 3, 1903. Increase of pension in certain Mexican War cases.
- ACT MAR. 3, 1891. Pensions for members of Powell's battalion.
- ACT FEB. 17, 1897. Pensions for members Gray's battalion.
- ACT FEB. 6, 1907. Pensions for certain officers and men who served in the Civil War and the War with Mexico.
- ACT MAR. 4, 1907. Extending provisions of act Feb. 6, 1907.

And be it further enacted, That if any officer, noncommissioned officer, musician, or private, in the corps composing the peace establishment shall be disabled by wounds or otherwise, while in the line of his duty in public service, he shall be placed on the list of invalids of the United States, at such rate of pay and under such regulations as may be directed by the President of the United States for the time being: *Provided always,* that the compensation to be allowed for such wounds or disabilities, to a commissioned officer, shall not exceed for the highest rate of disability half the monthly pay of

Act Mar. 16, 1802, 2 Stat. L., 135, c. 9, sec. 14.
Officers and privates may be placed on the pension list in certain cases, at specified rates.

Not to be exceeded.

such officer, at the time of his being disabled or wounded; and that no officer shall receive more than the half pay of a lieutenant-colonel; and that the rate of compensation to noncommissioned officers, musicians, and privates, shall not exceed five dollars per month: *And provided also* that all inferior disabilities shall entitle the person so disabled to receive an allowance proportionate to the highest disability.¹

Inferior disabilities to entitle to proportionate allowances.

Act Apr. 24, 1816, 3 Stat. L., 296, c. 68, sec. 1.

Rates of pensions apportioned by disabilities.

That all persons, of the ranks hereinafter named, who are now on the military pension roll of the United States, shall, from and after the passage of this act, be entitled to, and receive, for disabilities of the highest degree, the following sums, in lieu of those to which they are now entitled, to wit: a first lieutenant, seventeen dollars; a second lieutenant, fifteen dollars; a third lieutenant, fourteen dollars; an ensign, thirteen dollars; and a noncommissioned officer, musician, or private, eight dollars per month; and for disabilities of a degree less than the highest, a sum proportionably less.

Sec. 2, id. Persons provided for by the first section to be put on the pension roll according to the rates therein prescribed.

And be it further enacted, That all persons of the aforesaid ranks, who may hereafter be placed on the military pension roll of the United States, shall, according to their ranks and degrees of disabilities, be placed on at the aforesaid rates of pensions in lieu of those heretofore established: *Provided*, That nothing herein contained shall be construed to lessen the pension of any person who, by special provision, is entitled to a higher pension than is herein provided.

Sec. 3, id. Laws and regulations relating to the Regular Army to extend to the militia.

And be it further enacted, That all laws and regulations relating to the admission of the officers and soldiers of the regular army to be placed on the pension roll of the United States shall, and they are hereby declared to relate equally to the officers and soldiers of the militia whilst in the service of the United States.

¹This and the following act provide pensions for the permanent portion of the Regular Army, both in peace and in war, and the provisions of these acts were extended by other acts to the additional regular troops raised in time of war (acts Jan. 12, 1812; Apr. 8, 1812; Jan. 29, 1813, sec. 10 June 15, 1813, sec. 4; Mar. 2, 1813); also to the rangers, volunteers militia, and sea fencibles called into service during the war with Great Britain (1812-1815), the Black Hawk Indian war (1832) (Jan. 2, 1812, sec. 4; Feb. 6, 1812, sec. 5; July 5, 1813, secs. 1, 2; Apr. 16, 1816, sec. 1 Apr. 24, 1816, sec. 3; June 15, 1832, secs. 1-4), and to the militia and volunteers disabled by wounds in Gen. Harrison's campaign on the Wabash against hostile Indians in 1841, and other Indian disturbances in 1836-1838. (Apr. 10, 1812, sec. 3; May 23, 1836, sec. 5.)

These acts, with the acts extending the same to the regular troop volunteers, and militia employed in time of war, were not reenacted in the Revised Statutes nor repealed by section 5596 of the Revised Statute

The volunteers or militia, who have been received into the service of the United States, to suppress Indian depredations in Florida, shall be entitled to all the benefits which are conferred on persons wounded or otherwise disabled in the service of the United States.

Sec. 1657, R. S. Volunteers, etc., to suppress Indian depredations in Florida; benefits to. Act Mar. 19, 1836, 5 Stat. L., 7.

If any officer, warrant or petty officer, seaman, engineer, first, second, or third assistant engineer, fireman or coal-heaver of the Navy or any marine has been disabled prior to the fourth day of March, eighteen hundred and sixty-one by reason of any injury received or disease contracted in the service and line of duty, he shall be entitled to receive during the continuance of his disability a pension proportionate to the degree of his disability not exceeding half the monthly pay of his rank as it existed in January eighteen hundred and thirty-five. But the pension of a chief-engineer shall be the same as that of a lieutenant of the Navy; the pension of a first assistant engineer the same as that of a lieutenant of marines; the pension of a second or third assistant engineer the same as that of a forward officer; the pension of a fireman or coal-heaver the same as that of a seaman; but an engineer, fireman or coal-heaver shall not be entitled to any pension by reason of a disability incurred prior to the thirty-first day of August eighteen hundred and forty-two.

Sec. 4728, R. S. Pension to officers and seamen of the Navy disabled prior to Mar. 4, 1861. Secs. 2 and 3, Aug. 11, 1848, 9 Stat. L., 283; Mar. 3, 1877, 19 Stat. L., 403.

If any person referred to in the preceding section has died in the service, of injury received or disease contracted under the conditions therein stated, his widow shall be entitled to receive half the monthly pay to which the deceased was entitled at the date of his death; and in case of her death or marriage, the child or children under sixteen years of age shall be entitled to the pension. But the rate of pension herein allowed shall be governed by the pay of the Navy as it existed in January, eighteen hundred and thirty-five; and the pension of the widow of a chief engineer shall be the same as that of a widow of a lieutenant in the Navy; the pension of the widow of a first assistant engineer shall be the same as that of the widow of a lieutenant of marines; the pension of the widow of a second or third assistant engineer the same as that of the widow of a forward officer; the pension of the widow of a fireman or coal-heaver shall be the same as that of the widow of a seaman. But the rate of pension prescribed by this and the preceding section shall be varied from and after the twenty-fifth day of July eighteen hundred and

Sec. 4729, R. S. Pension to widows and minors of some officers and seamen of the Navy disabled prior to Mar. 4, 1861. Secs. 1, 2, and 3, Aug. 11, 1848, 9 Stat. L., 282.

sixty-six in accordance with the provisions of section four thousand seven hundred and twelve of this Title; and the widow of an engineer, fireman, or coal-heaver shall not be entitled to any pension by reason of the death of her husband if his death was prior to the thirty-first day of August eighteen hundred and forty-two.

Sec. 1656, R. S. Provision for widows, etc., of those who die in the service. Acts Mar. 19, 1836, 5 Stat. L., 7; Apr. 10, 1812, sec. 2, 2 Stat. L., 704; Apr. 16, 1816, sec. 1, 3 Stat. L., 285; Mar. 3, 1817, sec. 1, 3 Stat. L., 376; July 4, 1836, sec. 1, 5 Stat. L., 127; Mar. 3, 1837, sec. 1, 5 Stat. L., 187.

When any officer, noncommissioned officer, artificer, or private of the militia or volunteer corps dies in the service of the United States, or in returning to his place of residence after being mustered out of service, or at any time in consequence of wounds received in service, and leaves a widow, or if no widow, a child or children under sixteen years of age, such widow, or if no widow, such child or children, shall be entitled to receive half the monthly pay to which the deceased was entitled, at the time of his death, during the term of five years; and in case of the death or intermarriage of such widow before the expiration of five years, the half-pay for the remainder of the time shall go to the child or children of the decedent. And the Secretary of the Interior shall adopt such forms of evidence, in applications under this section as the President may prescribe.

Sec. 4732, R. S. Widows and minor children of persons engaged in the War of 1812 and in the various Indian wars since 1790. Act Feb. 14, 1871, 16 Stat. L., 411.

The widows and children under sixteen years of age of the officers, noncommissioned officers, musicians and privates of the regulars, militia, and volunteers of the war of one thousand eight hundred and twelve and the various Indian wars since one thousand seven hundred and ninety who remained at the date of their death in the military service of the United States, or who received an honorable discharge and have died or shall hereafter die of injury received or disease contracted in the service and in the line of duty shall be entitled to receive half the monthly pay to which the deceased was entitled at the time he received the injury or contracted the disease which resulted in his death. But no half-pay pension shall exceed the half pay of a lieutenant-colonel and such half-pay pension shall be varied after the twenty-fifth day of July one thousand eight hundred and sixty-six in accordance with the provisions of section four thousand seven hundred and twelve of this Title.

Sec. 4725, R. S. Half-pay pensions to widows and children; commencement. Sec. 1, June 3, 1858, 11 Stat. L., 309.

All those surviving widows and minor children who have been allowed five years' half-pay, under the provisions of any general laws passed prior to the third day of June, eighteen hundred and fifty-eight, are

granted a continuance of such half-pay, to commence from the date of the last payment under the respective Acts of Congress granting the same, and on the terms and limitations provided in the following section.

Such half-pay is granted to such widows during life, and, where there is no widow, to the children, while under the age of sixteen years; but in case of the remarriage or death of any such widow, the half-pay shall go to the children of the decedent on account of whose service it is claimed, while such children are under sixteen years of age, and no longer.

The half-pay of such widows and children shall be half the monthly pay of the officers, noncommissioned officers, musicians, and privates of the infantry of the Regular Army, and no more, and no greater sum shall be allowed to any such widow or minor children than the half-pay of a lieutenant-colonel. But the two preceding sections shall not be construed to apply to or embrace the case of any person receiving a pension for life on the third day of June, eighteen hundred and fifty-eight; and, wherever half-pay has been granted by any special act of Congress, and renewed or continued under the provisions of those sections, the same shall continue from the date above named: *Provided*, That pensions under this and the two preceding sections shall be varied in accordance with the provisions of section four thousand seven hundred and twelve of this Title.

The provisions of this Title in respect to the rates of pension to persons whose right accrued since the fourth day of March, eighteen hundred and sixty-one, are extended to pensioners whose right to pension accrued under general acts passed since the war of the Revolution and prior to the fourth day of March, eighteen hundred and sixty-one, to take effect from and after the twenty-fifth day of July, eighteen hundred and sixty-six; and the widows of revolutionary soldiers and sailors receiving a less sum shall be paid at the rate of eight dollars per month from and after the twenty-seventh day of July, eighteen hundred and sixty-eight.¹

That section three of an act entitled "An act increasing the pensions of widows and orphans, and for other purposes," approved July twenty-fifth, eighteen hundred and sixty-six, and section thirteen of an act entitled "An act

Sec. 4726, R. S. Minor's title on remarriage of widow.

Sec. 1, June 3, 1858, 11 Stat. L., 309.

Sec. 4727, R. S. Rate of half-pay pension.

Sec. 1, June 3, 1858, 11 Stat. L., 309.

Limitation.

Sec. 4712, R. S. Provisions of former acts extended.

Sec. 18, Mar. 3, 1873, 17 Stat. L., 572; sec. 3, July 25, 1866, 14 Stat. L., 230; sec. 13, July 27, 1868, 15 Stat. L., 237.

See amendment, June 9, 1880, 21 Stat. L., 170.

Act June 9, 1880, 21 Stat. L., 170, c. 166.

See sec. 4712, R. S.

Restoring pensions in certain cases.

¹ Rate increased to \$12 per month by act March 19, 1886 (see p. 62), in cases of widows who were married prior to such date, or prior to or during the service upon which the application for pension is based.

relating to pensions," approved July twenty-seventh, eighteen hundred and sixty-eight, and section forty-seven hundred and twelve of the Revised Statutes, shall not operate to reduce the rate of any pension which had actually been allowed to the commissioned, noncommissioned, or petty officers of the Navy or their widows or minor children, prior to the twenty-fifth day of July, eighteen hundred and sixty-six; and the Secretary of the Interior is hereby directed to restore all such pensions as have already been so reduced to the rate originally granted and allowed, to take effect from the date of such reduction.

Sec. 4713, R. S.
Commencement of anterebellion pensions.
Sec. 19, Mar. 3, 1873, 17 Stat. L., 573; sec. 13, June 6, 1866, 14 Stat. L., 58; sec. 3, July 25, 1866, 14 Stat. L., 230.

In all cases in which the cause of disability or death originated in the service prior to the fourth day of March, eighteen hundred and sixty-one, and an application for pension shall not have been filed within three years from the discharge or death of the person on whose account the claim is made, or within three years of the termination of a pension previously granted on account of the service and death of the same person, the pension shall commence from the date of filing by the party prosecuting the claim the last paper requisite to establish the same. But no claim allowed prior to the sixth day of June, eighteen hundred and sixty-six, shall be affected by anything herein contained.

Act Mar. 9, 1878, 20 Stat. L., 27, c. 28, sec. 1.

Enlisted men.

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-rolls the names of the surviving officers and enlisted and drafted men, without regard to color, including militia and volunteers, of the military and naval service of the United States, who served for fourteen days in the war with Great Britain of eighteen hundred and twelve, or who were in any engagement and were honorably discharged, and the surviving widows of such officers and enlisted and drafted men.

War of 1812.
See R. S., secs. 4736-4740, inclusive.

Sec. 2, id.
Persons not entitled.

That this act shall not apply to any person who is receiving a pension at the rate of eight dollars per month or more, nor to any person receiving a pension of less than eight dollars per month, except for the difference between the pension now received (if less than eight dollars per month) and eight dollars per month. Pensions under this act shall be at the rate of eight dollars per month, except as herein provided, and shall be paid to the persons entitled thereto, from and after the passage

Rate and continuance.

of this act, for and during their natural lives: *Provided*, That the pensions to widows provided for in this act shall cease when they shall marry again.

Widows; cessation of pension on remarriage.

That before the name of any person shall be placed upon the pension-rolls under this act proof shall be made, under such rules and regulations as the Commissioner of Pensions, with the approval of the Secretary of the Interior, shall prescribe, that the applicant is entitled to a pension under this act; and any person who shall falsely take any oath required to be taken under the provisions of this act shall be guilty of perjury; and the Secretary of the Interior shall cause to be stricken from the rolls the name of any person when it shall appear, by proof satisfactory to him, that such name was put on said rolls by or through false or fraudulent representations, or by mistake as to the right of such person to a pension under this act. The loss or lack of a certificate of discharge shall not deprive the applicant of the benefit of this act, but other proof of the service performed and of an honorable discharge, if satisfactory, shall be deemed sufficient; and when there is no record evidence of such service and such discharge, the applicant may establish the same by other satisfactory testimony: *Provided*, That when any person has been granted a land-warrant under any act of Congress for and on account of service in the said war of eighteen hundred and twelve, such grant shall be prima facie evidence of his service and honorable discharge, so as to entitle him, if living, or his widow, if he be dead, to a pension under this act; but such evidence shall not be conclusive, and may be rebutted by evidence that such land-warrant was improperly granted.

Sec. 3, id.
Proof required to place name on roll.

Penalty for false oath.

Secretary to strike name from roll.

Loss of discharge certificate no bar.
Proof of service, how shown.

Evidence of service and honorable discharge.

That all applications for pensions of the classes provided for in this act heretofore or which may hereafter be made shall be considered and decided as though made under this act; and all laws now in force in regard to the manner of paying pensions, and in reference to the punishment of frauds, shall be applicable to all claims under the provisions of this act.

Sec. 4, id.
Applications to be considered.

That the Secretary of the Interior be, and he is hereby, authorized and directed to restore to the pension rolls the names of all persons now surviving heretofore pensioned on account of service in the war of eighteen hundred and twelve against Great Britain, or for service in any of the Indian wars, and whose names were stricken from

Sec. 5, id.
Disloyalty; names dropped from rolls to be restored.

Act Feb. 4,
1862, 12 Stat. L.,
337.

Joint resolution
Mar. 2, 1867,
14 Stat. L., 571,
and sec. 4716 re-
pealed.

No payments
for periods of
suspension.

Sec. 6, id.
Widows en-
titled.

No arrears al-
lowed.

Widows of
Revolutionary
soldiers who
served 14 days
entitled; rate
(see act Mar. 19,
1886, 24 Stat. L.,
5).

Sec. 7, id.

Act July 27,
1892, 27 Stat. L.,
281, c. 277, sec. 1.
Surviving offi-
cers and enlisted
men who served
in the Indian
wars from 1832 to
1842 pensioned.

the rolls in pursuance of the act entitled "An act authorizing the Secretary of the Interior to strike from the pension-rolls the names of such persons as have taken up arms against the government, or who have in any manner encouraged the rebels," approved February fourth, eighteen hundred and sixty-two; and that the joint resolution entitled "Joint resolution prohibiting payment by any officer of the government to any person not known to have been opposed to the rebellion and in favor of its suppression," approved March second, eighteen hundred and sixty-seven, and section forty-seven hundred and sixteen of the Revised Statutes of the United States, shall not apply to the persons provided for by this act: *Provided*, That no money shall be paid to anyone on account of pensions for the time during which his name remained stricken from the rolls.

That the surviving widow of any pensioner of the war of eighteen hundred and twelve where the name of said pensioner was stricken from the pension-rolls in pursuance of the act entitled "An act authorizing the Secretary of the Interior to strike from the pension-rolls the names of such persons as have taken up arms against the government, or who have in any manner encouraged the rebels," approved February fourth, eighteen hundred and sixty-two, and where, under the existing provisions of law, said pensioner died without his name being restored to the rolls, shall be entitled to make claim for a pension as such widow after the passage of this act:

Provided, That no such arrearages shall be paid for any period prior to the time of the removal of the disability of the pensioner, as provided in section five: *And provided further*, That under this act any widow of a revolutionary soldier who served for fourteen days or was in any engagement shall be placed upon the pension-rolls of the United States, and receive a pension at the rate of eight dollars per month.

That all laws and clauses of laws in conflict with this act be, and they are hereby, repealed.

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the names of the surviving officers and enlisted men, including marines, militia, and volunteers of the military and naval service of the United States, who served for thirty days in the Black Hawk war, the Creek war, the Chero-

kee disturbances, or the Florida war with the Seminole Indians, embracing a period from eighteen hundred and thirty-two to eighteen hundred and forty-two, inclusive, and were honorably discharged, and such other officers, soldiers, and sailors as may have been personally named in any resolution of Congress, for any specific service in said Indian wars, although their term of service may have been less than thirty days, and the surviving widows of such officers and enlisted men: *Provided*, That such widows have not remarried: *Provided further*, That this act shall not apply to any person not a citizen of the United States.

An honorable discharge and thirty days' service requisite to entitle.

Widows.

Foreigners, no title.

That pensions under this act shall be at the rate of eight dollars per month, and payable from and after the passage of this act, for and during the natural lives of the persons entitled thereto.

Sec. 2, id.
Rate of pension, \$8 per month.

That before the name of any person shall be placed on the pension roll under this act, proof shall be made, under such rules and regulations as the Secretary of the Interior may prescribe, of the right of the applicant to a pension; and any person who shall falsely and corruptly take any oath required under this act shall be deemed guilty of perjury; and the Secretary of the Interior shall cause to be stricken from the pension roll the name of any person whenever it shall be made to appear by proof satisfactory to him that such name was put upon such roll through false and fraudulent representations, and that such person is not entitled to a pension under this act. The loss of the certificate of discharge shall not deprive any person of the benefits of this act, but other evidence of service performed and of an honorable discharge may be deemed sufficient.

Sec. 3, id.
The Secretary of the Interior to prescribe rules.

False oath perjury.

Name to be stricken from roll for fraud.

Loss of discharge certificate not a bar.

That this act shall not apply to any person who is receiving a pension at the rate of eight dollars per month or more, nor to any person receiving a pension of less than eight dollars per month, except for the difference between the pension now received (if less than eight dollars per month) and eight dollars per month.

Sec. 4, id.
Not in addition to existing pension.

That the pension laws now in force, which are not inconsistent or in conflict with this act, are hereby made a part of this act, so far as they may be applicable thereto.

Sec. 5, id.
Pension laws now in force made applicable.

That section forty-seven hundred and sixteen of the Revised Statutes is hereby repealed, so far as the same relates to this act or to pensioners under this act.

Sec. 6, id.
Sec. 4716, R. S. Persons engaged in rebellion not excluded.

Act June 27,
1902, 32 Stat. L.,
399, c. 1156.
Survivors of
Indian wars
(1817-1858) pen-
sioned.
Act July 27,
1892, amended.

Thirty days'
service and an
honorable dis-
charge prerequi-
site.

Surviving wid-
ows who have
not remarried
entitled.

Record of pay
accepted in ab-
sence of record
of enlistment or
muster.

Fee contract
null and void.

That the provisions, limitations, and benefits of the act entitled "An Act granting pensions to survivors of the Indian wars of eighteen hundred and thirty-two to eighteen hundred and forty-two, inclusive, known as the Black Hawk war, Creek war, Cherokee disturbances, and the Seminole war," approved July twenty-seventh, eighteen hundred and ninety-two, be, and the same are hereby, extended, from the date of the passage of this Act, to the surviving officers and enlisted men, including marines, militia, and volunteers of the military and naval service of the United States who served for thirty days or more and were honorably discharged under the United States military, State, Territorial, or provisional authorities in the Florida and Georgia Seminole Indian war of eighteen hundred and seventeen and eighteen hundred and eighteen; the Fevre River Indian war of Illinois of eighteen hundred and twenty-seven; the Sac and Fox Indian war of eighteen hundred and thirty-one; the Sabine Indian disturbances of eighteen hundred and thirty-six and eighteen hundred and thirty-seven; the Cayuse Indian war of eighteen hundred and forty-seven and eighteen hundred and forty-eight, on the Pacific coast; the Florida wars with the Seminole Indians, from eighteen hundred and forty-two to eighteen hundred and fifty-eight, inclusive; the Texas and New Mexico Indian war of eighteen hundred and forty-nine to eighteen hundred and fifty-six; the California Indian disturbances of eighteen hundred and fifty-one and eighteen hundred and fifty-two; the Utah Indian disturbances of eighteen hundred and fifty to eighteen hundred and fifty-three, inclusive, and the Oregon and Washington Territory Indian wars from eighteen hundred and fifty-one to eighteen hundred and fifty-six, inclusive; and also to include the surviving widows of such officers and enlisted men: *Provided*, That such widows have not remarried: *And provided further*, That where there is no record of enlistment or muster into the service of the United States in any of the wars mentioned in this Act the record of pay by the United States shall be accepted as full and satisfactory proof of such enlistment and service: *And provided further*, That all contracts heretofore made between the beneficiaries under this Act and pension attorneys and claim agents are hereby declared null and void.¹

¹ By resolution of April 28, 1904, 33 Stat. L., 591, the military rolls and records of the Indian wars or any other wars prior to the Civil War were transferred from the Interior Department to the Record and Pension Office, War Department.

That the provisions, limitations, and benefits of an Act entitled "An Act granting pensions to survivors of the Indian wars of eighteen hundred and thirty-two to eighteen hundred and forty-two, inclusive, known as the Black Hawk war, Creek war, Cherokee disturbances, and the Seminole war," approved July twenty-seventh, eighteen hundred and ninety-two, be, and the same are hereby, extended from the date of the passage of this Act to the surviving officers and enlisted men of the Texas volunteers who served in the defense of the frontier of that State against Mexican marauders and Indian depredations from the year eighteen hundred and fifty-five to the year eighteen hundred and sixty, inclusive; and also to include the surviving widows of such of said officers and enlisted men: *Provided*, That such widows have not remarried: *Provided further*, That where there is no record of enlistment or muster into the service of the United States in the service mentioned in this Act the fact of reimbursement to Texas by the United States, as evidenced by the muster rolls and vouchers on file in the War Department, shall be accepted as full and satisfactory proof of such enlistment and service: *And provided further*, That all contracts heretofore made between the beneficiaries under this Act and pension attorneys and claim agents are hereby declared null and void.

Act May 30,
1908, 35 Stat. L.,
553, c. 230.

Indian wars.

Pensions for
service in,
extended to Texas
volunteers.

Widows.

Proviso.

Restriction.

Proof.

Contracts with
attorneys, etc.,
void.

That the Commissioner of Pensions be, and he is hereby, authorized and directed to accept as sufficient proof of the citizenship of an applicant for pension under said act of July twenty-seven, eighteen hundred and ninety-two, the fact that such applicant at the date of the application was an actual and bona fide resident of the United States.

Act Feb. 3, 1893,
27 Stat. L., 429, c.
58.

Citizenship in
Indian war
claims; proof.

Any officer, noncommissioned officer, musician or private, whether of the Regular Army or volunteers disabled by reason of injury received or disease contracted while in the line of duty in actual service in the war with Mexico, or in going to or returning from the same, who received an honorable discharge, shall be entitled to a pension proportionate to his disability, not exceeding for total disability half the pay of his rank at the date at which he received the wound or contracted the disease which resulted in such disability. But no pension shall exceed half the pay of a lieutenant-colonel.

Sec. 4730, R. S.
Mexican war;
Regulars or Vol-
unteers disabled
pensioned.

Sec. 7, May 13,
1846, 9 Stat. L.,
10.

Sec. 4731, R. S. Widows and children of Regulars or Volunteers in the Mexican War.

Secs. 1, 2, July 21, 1848, 9 Stat. L., 249; sec. 1, Feb. 22, 1849, 9 Stat. L., 347; act Sept. 28, 1850, 9 Stat. L., 507; Mar. 3, 1873, 17 Stat. L., 572.

If any officer or other person referred to in the preceding section has died or shall hereafter die by reason of any injury received or disease contracted under the circumstances therein set forth, his widow shall be entitled to receive the same pension as the husband would have been entitled to had he been totally disabled; and in case of her death or remarriage, the child or children of such officer or other person referred to in the preceding section, while under the age of sixteen years, shall be entitled to receive the pension. But the rate of pension prescribed by this and the preceding section shall be varied after the twenty-fifth day of July, eighteen hundred and sixty-six, in accordance with the provisions of section four thousand seven hundred and twelve of this Title.

Act Jan. 29, 1887, 24 Stat. L., 371, c. 70, sec. 1.

Mexican War survivors pensioned.

Sixty days' service requisite.

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the names of the surviving officers and enlisted men, including marines, militia, and volunteers, of the military and naval services of the United States, who being duly enlisted, actually served sixty days with the Army or Navy of the United States in Mexico, or on the coasts or frontier thereof or en route thereto, in the war with that nation, or were actually engaged in a battle in said war, and were honorably discharged, and to such other officers and soldiers and sailors as may have been personally named in any resolution of Congress for any specific service in said war, and the surviving widow of such officers and enlisted men: *Provided*, That such widows

Widows' title.

Survivors or their widows, 62 years of age, disabled or dependent, entitled.

have not remarried: *Provided*, That every such officer, enlisted man, or widow who is or may become sixty-two years of age, or who is or may become subject to any disability or dependency equivalent to some cause prescribed or recognized by the pension laws of the United States as a sufficient reason for the allowance of a pension, shall be entitled to the benefits of this act; but it shall not be held to include any person not within the rule of age or disability or dependence herein defined, or who incurred such disability while in any manner voluntarily engaged in or aiding or abetting the late rebellion against the authority of the United States.

Inhibition.

Sec. 2, 1d. Rate of pension.

That pensions under section one of this act shall be at the rate of eight dollars per month¹ and payable only

¹ Rate of pension to widows increased to \$12 per month by sec. 1, act Apr. 19, 1908 (35 Stat. L., 64, c. 147). See p. 65.

Rate of survivors increased by act Jan. 5, 1893, act Apr. 23, 1900, and act Mar. 3, 1903, all *post*. See also act Feb. 6, 1907, *post*, p. 27.

from and after the passage of this act, for and during the natural lives of the persons entitled thereto, or during the continuance of the disability for which the same shall be granted: *Provided*, That section one of this act shall not apply to any person who is receiving a pension at the rate of eight dollars per month or more, nor to any person receiving a pension of less than eight dollars per month, except for the difference between the pension now received (if less than eight dollars per month) and eight dollars per month.

Duration.

That before the name of any person shall be placed on the pension-roll under this Act, proof shall be made, under such rules and regulations as the Secretary of the Interior may prescribe, of the right of the applicant to a pension; and any person who shall falsely and corruptly take any oath required under this act shall be deemed guilty of perjury; and the Secretary of the Interior shall cause to be stricken from the pension-roll the name of any person whenever it shall be made to appear by proof satisfactory to him that such name was put upon such roll through false and fraudulent representations, and that such person is not entitled to a pension under this act. The loss of the certificate of discharge shall not deprive any person of the benefits of this act, but other record evidence of enlistment and service and of an honorable discharge may be deemed sufficient: *Provided*, That when any person has been granted a land-warrant, under any act of Congress, for and on account of service in the said war with Mexico, such grant shall be prima facie evidence of his service and honorable discharge; but such evidence shall not be conclusive, and may be rebutted by evidence that such land-warrant was improperly granted.

Sec. 3, id.
Rules and regulations to be prescribed by the Secretary of Interior.

False oath to be deemed perjury.

Loss of certificate of discharge.

Evidence of service and discharge.

That the pension laws now in force which are not inconsistent or in conflict with this act are hereby made a part of this act, so far as they may be applicable thereto.

Sec. 4, id.
Laws not inconsistent made part of act.

That section forty-seven hundred and sixteen of the Revised Statutes is hereby repealed so far as the same relates to this act or to pensioners under this act.

Sec. 5, id.
Section 4716 repealed so far as conflicts.

That the provisions of this act shall not apply to any person while under the political disabilities imposed by the fourteenth amendment to the constitution of the United States.

Sec. 6, id.
Political disability. Repealed by act June 6, 1898.

14 amend. Con.
U. S., sec. 3.
Political disa-
bilities created.

No person shall be a Senator or Representative in Congress, or elector of President and Vice President, or hold any office, civil or military, under the United States, or under any State, who, having previously taken an oath, as a member of Congress, or as an officer of the United States, or as a member of any State legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may by a vote of two-thirds of each House, remove such disability.

Act June 6,
1898, 30 Stat. L.,
432, c. 389.
Political disa-
bility removed.

That the disability imposed by section three of the fourteenth amendment to the Constitution of the United States heretofore incurred is hereby removed.

Act Jan. 5, 1893,
27 Stat. L., 413,
c. 18.
Increase in
certain Mexican
War cases.

That the Secretary of the Interior be, and he is hereby, authorized to increase the pension of every pensioner who is now on the rolls at eight dollars per month on account of services in the Mexican war and who is wholly disabled for manual labor, and is in such destitute circumstances that eight dollars per month are insufficient to provide him the necessaries of life, to twelve dollars per month.

Act Apr. 23,
1900, 31 Stat. L.,
137, c. 251.
Mexican War
survivors.
Increase of
pension in cer-
tain cases.

That the benefits of the act entitled "An Act granting increase of pension to soldiers of the Mexican war in certain cases," approved January fifth, eighteen hundred and ninety-three, be, and they are hereby, extended to all survivors of the Mexican war who are pensionable under existing Mexican war service pension laws, and who have become or may hereafter become wholly disabled for manual labor and in such destitute circumstances that eight dollars per month are insufficient to provide them the necessaries of life, irrespective of the date of the granting of the said service pension.

Act Mar. 3,
1903, 32 Stat. L.,
1228, c. 1021.
Increase of
pension to all
Mexican War sur-
vivors.

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, at the rate of twelve dollars per month, all Mexican war survivors now on the roll, or who may hereafter be placed on the roll, under the Acts of January twenty-ninth, eighteen hundred and eighty-seven, March third, eighteen hundred and ninety-one, and February fifth, eighteen hundred and ninety-seven.¹

¹ Acts Mar. 2, 1889, July 27, 1892, and Mar. 1895, relieved certain persons who served in the Mexican War from the charge of desertion.

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the names of all of the honorably discharged surviving officers and enlisted men of Powell's Battalion of Missouri Mounted Volunteers, raised under the act of Congress of May thirteenth, eighteen hundred and forty-six, for service during the war with Mexico; and the names of the surviving widows of such officers and enlisted men, subject to the limitations and regulations of the pension laws of the United States for pensioning the survivors of the war with Mexico.

Act Mar. 3,
1891, 26 Stat. L.,
1418, c. 568.
Pensions for
members of Pow-
ell's battalion.

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the names of all of the honorably discharged surviving officers and enlisted men of Gray's Battalion of Arkansas Volunteers, raised under the Act of Congress of May thirteenth, eighteen hundred and forty-six, for service during the war with Mexico; and the names of surviving widows of such officers and enlisted men, subject to the limitations and regulations of the pension laws of the United States for pensioning the survivors of the war with Mexico.

Act Feb. 17,
1897, 29 Stat. L.,
805, c. 248.
Gray's bat-
talion survivors
pensioned.

That any person who served ninety days or more in the military or naval service of the United States during the late civil war or sixty days in the war with Mexico, and who has been honorably discharged therefrom, and who has reached the age of sixty-two years or over, shall, upon making proof of such facts according to such rules and regulations as the Secretary of the Interior may provide, be placed upon the pension roll, and be entitled to receive a pension as follows: In case such person has reached the age of sixty-two years, twelve dollars per month; seventy years, fifteen dollars per month; seventy-five years or over, twenty dollars per month; and such pension shall commence from the date of the filing of the application in the Bureau of Pensions after the passage and approval of this Act: *Provided*, That pensioners who are sixty-two years of age or over, and who are now receiving pensions under existing laws, or whose claims are pending in the Bureau of Pensions, may, by application to the Commissioner of Pensions in such form as he may prescribe, receive the benefits of this Act; and nothing herein contained shall prevent any pensioner or person entitled to a pension from prosecuting his claim

Act Feb. 6,
1907, 34 Stat. L.,
879, c. 468, sec. 1.
Pensions al-
lowed at age of 62
for service in Civil
and Mexican
Wars.

Rating.

Provisos.
Present pen-
sioners and ap-
plicants entitled.

and receiving a pension under any other general or special Act: *Provided*, That no person shall receive a pension under any other law at the same time or for the same period that he is receiving a pension under the provisions of this act: *Provided further*, That no person who is now receiving or shall hereafter receive a greater pension under any other general or special law than he would be entitled to receive under the provisions herein shall be pensionable under this Act.

Double pensions prohibited.
Restriction.
Sec. 2, id.
Rank in service not considered.

That rank in the service shall not be considered in applications filed hereunder.

Sec. 3, id.
Agents not entitled to compensation.

That no pension attorney, claim agent, or other person shall be entitled to receive any compensation for services rendered in presenting any claim to the Bureau of Pensions, or securing any pension, under this Act.

Act Mar. 4, 1907, 34 Stat. L., 1406, c. 2920, part.

* * * *And provided further*, That the benefits of the Act of February sixth, nineteen hundred and seven, entitled "An Act granting pensions to certain enlisted men, soldiers, and officers who served in the civil war and the war with Mexico," are hereby extended to include any person who served the period of time therein specified during the late civil war or in the war with Mexico and who is now or may hereafter become entitled to pension under the Acts of June twenty-seventh, eighteen hundred and ninety, February fifteenth, eighteen hundred and ninety-five, and the joint resolution of July first, nineteen hundred and two, or the Acts of January twenty-ninth, eighteen hundred and eighty-seven, March third, eighteen hundred and ninety-one, and February seventeenth, eighteen hundred and ninety-seven.

Provisions of act Feb. 6, 1907, 34 Stat. L., 879, extended to certain classes of beneficiaries.

HISTORICAL DATA AS TO PENSION LEGISLATION RELATING TO THE WAR OF THE REVOLUTION, THE WAR OF 1812, AND VARIOUS INDIAN WARS.

REVOLUTIONARY WAR.

Section 1, act April 10, 1806, 2 Stat. L., 376, provided pensions for known wounds incurred by those who rendered service in said war. Section 4 of this act fixed the date of commencement of pension, and section 6 fixed the rates of pension.

Acts April 25, 1812, 2 Stat. L., 719; May 15, 1820, 3 Stat. L., 597; February 4, 1822, 3 Stat. L., 650; and May 24, 1828, 4 Stat. L., 307, continued in full force and effect the provisions of the above-cited act until May 24, 1828.

Act March 18, 1818, 3 Stat. L., 410, made provision for granting a service pension to soldiers and sailors who were in indigent circumstances, and act March 1, 1823, 3 Stat. L., 783, fixed the date of commencement of such pension.

Act May 15, 1828, 4 Stat. L., 269, granted a service pension to officers, noncommissioned officers, and privates who enlisted during the war and continued in service until its termination, but barred those from receiving its benefits who were then on the pension roll. This limitation was by act May 31, 1830, 4 Stat. L., 426, removed as to officers, and by act July 14, 1832, 4 Stat. L., 600, as to noncommissioned officers, musicians, and privates.

Act June 7, 1832, 4 Stat. L., 529, was the third act passed granting a service pension to surviving officers and men of the Army, Navy, and Marine Corps who served for two years, and who were not entitled to pension under the act of May 15, 1828, to commence March 4, 1831, and to continue during life; and to those serving less than two years but not less than six months, former pensions, however, to be relinquished. This limitation was removed by act February 19, 1833, 4 Stat. L., 612, and construed not to embrace invalid pensioners.

Acts July 4, 1836, 5 Stat. L., 128, and March 3, 1837, 5 Stat. L., 187, and resolution July 7, 1838, 5 Stat. L., 311, granted pensions to widows of certain officers and men who served in the Army, Navy, and Marine Corps, as mentioned in the act of June 7, 1832, but placed a limitation as to date of marriage.

Acts February 2, 1848, 9 Stat. L., 210; July 29, 1848, 9 Stat. L., 265; and February 3, 1853, 10 Stat. L., 154, extended, and the act of February 28, 1855, 10 Stat. L., 616, removed, this limitation as regards date of marriage.

By the joint resolution of July 1, 1848, 9 Stat. L., 336 (now sec. 4743, R. S.), the evidence upon which a pension was granted to an officer or soldier of the Revolution in his lifetime was made conclusive as to the service of such person in any claim for pension filed by his widow; and upon proof by her that she was married to such officer or soldier, and of her widowhood, she became entitled to have her name placed on the pension roll at the same rate that such officer or soldier received during his lifetime.

By the act of April 2, 1862, 12 Stat. L., 376 (now sec. 4742, R. S.), no claim for pension or increase of pension

could thereafter be allowed in the case of the widow, children, or other descendants of any person who served in the Revolution, when such person or his widow died without having established a claim for pension.

WAR OF 1812.

Section 14, act January 11, 1812, 2 Stat. L., 673; section 5, act February 6, 1812, 2 Stat. L., 677; section 1, act April 16, 1816, 3 Stat. L., 286; section 2, act August 2, 1813, 3 Stat. L., 74; and act April 14, 1842, 5 Stat. L., 437, granted invalid pensions to officers and men of the Regular Army and the militia who were wounded or otherwise disabled and to those warriors of the Cherokee Nation and the Southern Indians who were wounded during the War of 1812.

By the act of February 14, 1871, 16 Stat. L., 411 (now incorporated in sections 4736-4740, R. S.), pensions were granted to the surviving officers and enlisted and drafted men, including militia and volunteers, of the military and naval service of the United States who served 60 days in the War of 1812 and were honorably discharged, and to such other officers and men, having less than 60 days' service, as had been personally named in any resolution of Congress for any specific service in that war, and the surviving widows of such persons, provided they were married to the husbands through whom pension is claimed prior to the treaty of peace which terminated said war.

INDIAN WARS PRIOR TO MARCH 4, 1861.

Section 4, act January 2, 1812, 2 Stat. L., 670, provided pension for officers and men of the Rangers for protection of the frontier of the United States who incurred disabilities by wounds or otherwise during the invasion of any State or Territory by any Indian tribe or tribes.

Section 3, act April 10, 1812, 2 Stat. L., 705, extended pension benefits to those engaged in the campaign on the Wabash.

Section 4, act June 15, 1832, 4 Stat. L., 533, provided for mounted Rangers who incurred disabilities by wounds or otherwise in the Black Hawk War.

Section 5, act May 23, 1836, 5 Stat. L., 33, gave pension benefits to the Volunteers wounded while engaged in the Creek War.

Chapter III.

INVALID PENSIONS BASED ON SERVICE SINCE MARCH 4, 1861.

SEC. 4692, R. S. Who are entitled to pensions.

SEC. 4693, R. S. Beneficiaries.

SEC. 2757, R. S. Revenue cutters to cooperate with Navy.

SEC. 4741, R. S. Pensions to officers, etc., revenue cutters.

SEC. 4722, R. S. Missouri militia, extension of pension laws for benefit of.

SEC. 4723, R. S. Colored soldiers; "slaves."

ACT AUG. 3, 1861. Medical cadets.

ACT MAR. 3, 1863, SECS. 9, 10. Cooks and undercooks.

ACT APR. 23, 1908, SEC. 9. Medical Reserve Corps.

ACT JAN. 21, 1903, SECS. 4, 7, 22, AND ACT MAY 27, 1908, SECS. 3, 5. Militia acts.

JOINT RESOLUTION MAY 26, 1898. Auxiliary naval force.

ACT MAR. 3, 1891. First Kansas Colored Volunteers.

ACT MAR. 25, 1862. Officers and men, western department or department of Missouri.

ACT MAR. 3, 1881. Citizens engaged in operations against Nez Percé Indians.

ACT JUNE 8, 1864. Second Regiment, Third Brigade, Ohio Volunteer Militia.

ACT DEC. 19, 1902. First Ohio Light Artillery.

ACT MAR. 1, 1869. Bryson's company of mounted volunteers.

ACT JULY 14, 1870. Beaty's independent scouts.

ACT AUG. 5, 1892. Pensions to Army nurses.

SEC. 4694, R. S. Limitation, disabilities incurred since July 27, 1868.

SEC. 4700. Sick leave, etc., line of duty.

SEC. 4695, R. S. Rate according to rank.

ACT MAR. 3, 1877. Relative rank in the Navy.

ACT JUNE 18, 1878. Relative rank in the Navy.

SEC. 4696, R. S. Rate dependent on rank when disability originated.

ACT FEB. 24, 1897. Rate of pension in case of remuster.

ACT JUNE 27, 1890. Service pension granted.

ACT MAY 9, 1900. Provisions of act June 27, 1890, amended.

JOINT RESOLUTION FEB. 15, 1895. Provisions of act June 27, 1890, extended to Missouri Militia.

ACT MAR. 6, 1896. Commencement of pensions in rejected claims.

ACT FEB. 6, 1907. Pensions granted to certain persons who served in Mexican or civil war.

ACT MAR. 4, 1907, part. Extending provisions of act Feb. 6, 1907.

ACT MAR. 4, 1907, part. Age made a specific disability.

SEC. 4697, R. S. Rate for specific disabilities prior to June 4, 1872.

SEC. 4698, R. S. Rate for permanent specific disabilities since June 4, 1872.

ACT JUNE 18, 1874. Increase for total disability from certain causes.

ACT JUNE 16, 1880. Rate for total helplessness in cases granted under act June 18, 1874, increased.

ACT JUNE 17, 1878. Increase for loss of both hands, both feet, or sight of both eyes.

ACT MAR. 3, 1879. Increase for total blindness.

ACT APR. 8, 1904. Increase for total blindness.

ACT FEB. 12, 1889. Increase for loss of both hands.

ACT FEB. 28, 1877. Increase for loss of one hand and one foot, or permanent disability in both.

ACT JUNE 18, 1874. Increase for loss of arm at or above elbow, or leg at or above knee.

ACT MAR. 3, 1883. Increase for loss of one hand or one foot, or equivalent incapacity; and loss of arm above elbow or leg above knee; or total incapacity for manual labor.

ACT MAR. 3, 1879. Increase for amputation of leg at hip joint.

ACT MAR. 3, 1885. Increase for loss of arm at shoulder joint.

ACT AUG. 4, 1886. Increase for loss of one hand or one foot, etc.

ACT MAR. 2, 1903. Increase for loss of limbs or total disability in the same.

ACT AUG. 27, 1888. Increase for deafness.

ACT JAN. 15, 1903. Increase for total deafness.

ACT MAR. 4, 1890. Total helplessness; regular aid and attendance.

ACT JULY 14, 1892. Frequent and periodic attendance.

SEC. 4698½, R. S. Commencement of increase of pension for disabilities not permanent and specific.

SEC. 4699, R. S. Division of \$18 rate.

ACT MAR. 2, 1895. Minimum rate of \$6 per month established; not retroactive.

ACT JAN. 25, 1879. Arrears of pension; commencement of pension, etc.

ACT MAR. 3, 1879, SEC. 1. Arrears of pension, etc.

ACT MAR. 3, 1879, SECS. 2 and 3. Limitation as to date of filing and commencement of pension, etc.

ACT MAR. 3, 1885. Soundness of soldier or sailor at enlistment to be presumed.

Sec. 4692, R. S. Who are entitled to pensions. Sec. 1, Mar. 3, 1873, 17 Stat. L., 566; sec. 1, July 14, 1862, 12 Stat. L., 566.

Every person specified in the several classes enumerated in the following section, who has been, since the fourth day of March, eighteen hundred and sixty-one, or who is hereafter disabled under the conditions therein stated, shall, upon making due proof of the fact, according to such forms and regulations as are or may be provided in pursuance of law, be placed on the list of invalid pensioners of the United States, and be entitled to receive, for a total disability, or a permanent specific disability, such pension as is hereinafter provided in such cases; and for an inferior disability, except in cases of permanent specific disability, for which the rate of pension is expressly provided, an amount proportionate to that provided for total disability; and such pension shall commence as hereinafter provided and continue during the existence of the disability.

Duration of pension.

Sec. 4693, R. S. Beneficiaries under preceding section.

Sec. 1, Mar. 3, 1873, 17 Stat. L., 566; sec. 1, July 14, 1862, 12 Stat. L., 566.

Whether regularly mustered or not.

Sec. 11, July 4, 1864, 13 Stat. L., 388; sec. 1, Mar. 3, 1873, 17 Stat. L., 566; sec. 1, July 14, 1862, 12 Stat. L., 566.

Masters. Resolution July 16, 1862, 12 Stat. L., 625.

The persons entitled as beneficiaries under the preceding section are as follows:

First. Any officer of the Army, including regulars, volunteers, and militia, or any officer in the Navy or Marine Corps, or any enlisted man, however employed, in the military or naval service of the United States, or in its Marine Corps, whether regularly mustered or not, disabled by reason of any wound or injury received, or disease contracted, while in the service of the United States and in the line of duty.

Second. Any master serving on a gunboat, or any pilot, engineer, sailor, or other person not regularly mustered, serving upon any gunboat or war-vessel of the United States, disabled by any wound or injury received, or otherwise incapacitated, while in the line of duty, for procuring his subsistence by manual labor.

Third. Any person not an enlisted soldier in the Army, serving for the time being as a member of the militia of any State, under orders of an officer of the United States, or who volunteered for the time being to serve with any

regularly organized military or naval force of the United States, or who otherwise volunteered and rendered service in any engagement with rebels or Indians, disabled in consequence of wounds or injury received in the line of duty in such temporary service. But no claim of a State militiaman, or nonenlisted person, on account of disability from wounds, or injury received in battle with rebels or Indians, while temporarily rendering service, shall be valid unless prosecuted to a successful issue prior to the fourth day of July, eighteen hundred and seventy-four.

Sec. 9, July 4, 1864, 13 Stat. L., 388.

Sec. 11, July 27, 1868, 15 Stat. L., 237.

Fourth. Any acting assistant or contract surgeon disabled by any wound or injury received or disease contracted in the line of duty while actually performing the duties of assistant surgeon or acting assistant surgeon with any military force in the field, or in transitu, or in hospital.

Sec. 1, Mar. 3, 1873, 17 Stat. L., 566; sec. 2, Mar. 3, 1865, 13 Stat. L., 499.

Fifth. Any provost-marshal, deputy provost-marshal, or enrolling-officer disabled, by reason of any wound or injury, received in the discharge of his duty, to procure a subsistence by manual labor.

Sec. 1, Mar. 3, 1873, 17 Stat. L., 566; sec. 1, July 25, 1866, 14 Stat. L., 230.

The revenue-cutters shall, whenever the President so directs, cooperate with the Navy, during which time they shall be under the direction of the Secretary of the Navy, and the expenses thereof shall be defrayed by the Navy Department.

Sec. 2757, R. S. Revenue cutters to cooperate with the Navy.

Act Mar. 2, 1799, 1 Stat. L., 699.

See sec. 1492, R. S.

The officers and seamen of the revenue-cutters of the United States, who have been or may be wounded or disabled in the discharge of their duty while cooperating with the Navy by order of the President, shall be entitled to be placed on the Navy pension-list, at the same rate of pension and under the same regulations and restrictions as are provided by law for the officers and seamen of the Navy.

Sec. 4741, R. S. Pension to officers and seamen of revenue cutters.

Act Apr. 18, 1814, 3 Stat. L., 127.

The provisions of this Title are extended to the officers and privates of the Missouri State militia, and the provisional Missouri militia, disabled by reason of injury received or disease contracted in the line of duty while such militia was cooperating with United States forces, and the widow or children of any such person, dying of injury received or disease contracted under the circumstances herein set forth, shall be entitled to the benefits of this Title. But the pensions on account of such militia

Sec. 4722, R. S., Missouri militia.

Sec. 8, Mar. 3, 1873, 17 Stat. L., 569.

See sec. 9, July 4, 1864, 13 Stat. L., 388; secs. 1 and 2, Mar. 25, 1862, 12 Stat. L., 374; Mar. 3, 1879, 20 Stat. L., 470.

Commencement of pension. shall not commence prior to the third day of March, one thousand eight hundred and seventy-three.

Sec. 4723, R. S. Colored soldiers; "slaves." Mar. 3, 1873, 17 Stat. L., 601. All colored persons who enlisted in the Army during the war of the rebellion, and who are now prohibited from receiving bounty and pension on account of being borne on the rolls of their regiments as "slaves," shall be placed on the same footing, as to bounty and pension, as though they had not been slaves at the date of their enlistment.

Act Aug. 3, 1861, 12 Stat. L., 287, c. 42, sec. 5. Medical cadets added to medical staff. *And be it further enacted*, That there be added to the medical staff of the Army a corps of medical cadets, whose duty it shall be to act as dressers in the general hospitals and as ambulance attendants in the field, under the direction and control of the medical officers alone.

Rank, pay, number, qualifications, etc. They shall have the same rank and pay as the military cadets at West Point. Their number shall be regulated by the exigencies of service, at no time to exceed fifty. It shall be composed of young men of liberal education, students of medicine, between the ages of eighteen and twenty-three, who have been reading medicine for two years, and have attended at least one course of lectures in a medical college. They shall enlist for one year, and be subject to the rules and articles of war. On the fifteenth day of the last month of their service, the near approach of their discharge shall be reported to the surgeon-general, in order, if desired, that they may be relieved by another detail of applicants.

Act Mar. 3, 1863, 12 Stat. L., 743, c. 78, sec. 9. Cooks for each company to be detailed from the privates. *And be it further enacted*, That cooks shall be detailed, in turn, from the privates of each company of troops in the service of the United States, at the rate of one cook for each company numbering less than thirty men, and two cooks for each company numbering over thirty men, who shall serve ten days each.

Sec. 10, id. Each cook to have two undercooks. Pay and ration. *And be it further enacted*, That the President of the United States be, and he is hereby, authorized to cause to be enlisted, for each cook, two undercooks of African descent, who shall receive for their full compensation ten dollars per month, and one ration per day—three dollars of said monthly pay may be in clothing.

Act Apr. 23, 1908, 35 Stat. L., 68, c. 150, sec. 9. Medical Reserve Corps. That officers of the Medical Reserve Corps when called upon active duty in the service of the United States, as provided in section eight of this Act, shall be subject to the laws, regulations, and orders for the government of the Regular Army, and during the period of such service

shall be entitled to the pay and allowances of first lieutenants of the Medical Corps with increase for length of service now allowed by law, said increase to be computed only for time of active duty: *Provided*, That no officer of the Medical Reserve Corps shall be entitled to retirement or retirement pay, nor shall he be entitled to pension except for physical disability incurred in the line of duty while in active duty: * * *.

Pay and allowances.

Proviso. Not entitled to retirement, etc., except.

That whenever the United States is invaded, or in danger of invasion from any foreign nation, or of rebellion against the authority of the Government of the United States, or the President is unable, with the other forces at his command, to execute the laws of the Union in any part thereof, it shall be lawful for the President to call forth, for a period not exceeding nine months, such number of the militia of the State or of the States or Territories or of the District of Columbia as he may deem necessary to repel such invasion, suppress such rebellion, or to enable him to execute such laws, and to issue his orders for that purpose to such officers of the militia as he may think proper.

Act Jan. 21, 1903, 32 Stat. L., 776, 779, c. 196, sec. 4.

Organized Militia; to be called for in case of invasion, etc.

That every officer and enlisted man of the militia who shall be called forth in the manner hereinbefore prescribed and shall be found fit for military service shall be mustered or accepted into the United States service by a duly authorized mustering officer of the United States: *Provided, however*, That any officer or enlisted man of the militia who shall refuse or neglect to present himself to such mustering officer upon being called forth as herein prescribed shall be subject to trial by court-martial, and shall be punished as such court-martial may direct.

Sec. 7, id. Mustering into service of the United States.

That when any officer, noncommissioned officer, or private of the militia is disabled by reason of wounds or disabilities received or incurred in the service of the United States he shall be entitled to all the benefits of the pension laws existing at the time of his service, and in case such officer, noncommissioned officer, or private dies in the service of the United States or in returning to his place of residence after being mustered out of such service, or at any time, in consequence of wounds or disabilities received in such service, his widow and children, if any, shall be entitled to all the benefits of such pension laws.

Sec. 22, id. Pension for wounds, etc.

Act May 27, 1908, 35 Stat. L., 400, c. 204, sec. 3. Militia act.

That section four of said Act as amended be, and the same is hereby, amended and reenacted so as to read as follows:

Organized Militia to be called for in case of invasion.

“SEC. 4. That whenever the United States is invaded or in danger of invasion from any foreign nation, or of rebellion against the authority of the Government of the United States, or the President is unable with the regular forces at his command to execute the laws of the Union, it shall be lawful for the President to call forth such number of the militia of the State or of the States or Territories or of the District of Columbia as he may deem necessary to repel such invasion, suppress such rebellion, or to enable him to execute such laws, and to issue his orders for that purpose, through the governor of the respective State or Territory, or through the commanding general of the militia of the District of Columbia, from which State, Territory, or District such troops may be called, to such officers of the militia as he may think proper.”

Sec. 5, 1d.

That section seven of said Act as amended be, and the same is hereby, amended and reenacted so as to read as follows:

Mustering into service of the United States.

“SEC. 7. That every officer and enlisted man of the militia who shall be called forth in the manner hereinbefore prescribed, shall be mustered for service without further enlistment, and without further medical examination previous to such muster, except for those States and Territories which have not adopted the standard of medical examination prescribed for the Regular Army: *Provided, however,* That any officer or enlisted man of the militia who shall refuse or neglect to present himself for such muster, upon being called forth as herein prescribed, shall be subject to trial by court-martial and shall be punished as such court-martial may direct.”

Joint resolution May 26, 1898, 30 Stat. L., 744, No. 38, sec. 1.

Navy.
Organization of temporary auxiliary naval force.

That a United States Auxiliary Naval Force is hereby authorized to be established, to be enrolled in such numbers as the President may deem necessary, not exceeding three thousand enlisted men, for the exigencies of the present war with Spain, and to serve for a period of one year, or less, and shall be disbanded by the President at the conclusion of the war.

Sec. 2, 1d.
Chief.

That the chief of the United States Auxiliary Naval Force shall be detailed by the Secretary of the Navy from the active or retired list of the line officers of the Navy

not below the grade of captain, who shall receive the highest pay of his grade while so employed.

That enlistment into the United States Auxiliary Naval Force shall be made by such officer or officers as the Navy Department may detail for the purpose, who shall also select from merchant vessels and other available sources such volunteers as may be deemed best fitted for service as officers in said force, and shall report to the Secretary of the Navy, for his action, their names and the grade for which each is recommended.

Sec. 3, id.
Enlistment.

That for the purposes of this organization the coast line shall be divided into districts, each of which shall be in charge of an assistant to the chief of the United States Auxiliary Naval Force; and such assistant chiefs may be detailed by the Secretary of the Navy from the officers of the active or retired list of the line of the Navy, or appointed by him from civil life, not above the rank of lieutenant-commander.

Sec. 4, id.
Division of coast line into districts.

That the officers and men comprising the United States Auxiliary Naval Force shall receive the same pay and emoluments as those holding similar rank or rate in the Regular Navy; and all matters relating to the organization, discipline, and government of men in said force shall conform to the laws and regulations governing the United States Navy.

Sec. 5, id.
Pay.

Conformance to Navy regulations, etc.

That the chief of the United States Auxiliary Naval Force or such officers as the Navy Department may detail for such service, may, with the consent of the governor of any State, muster into the said Force the whole or any part of the organizations of the Naval Militia of any State to serve in said Auxiliary Naval Force, and shall report to the Secretary of the Navy, for his action, the names and grades for which commissions in said United States Auxiliary Naval Force shall be issued to the officers of such Naval Militia, and shall have the power to appoint and disrate the petty officers thereof.

Sec. 6, id.
Service of Naval Militia.

That the officers, warrant officers, petty officers, and enlisted men and boys of the United States Auxiliary Naval Force thus created shall be paid from the appropriation "Pay of the Navy"; and the sum of three million dollars, or so much thereof as may be required, is hereby appropriated, from any money in the Treasury not otherwise appropriated, for the purchase or hire of vessels necessary for the purposes of this resolution.

Sec. 7, id.
Appropriation available for pay.

Hire, etc., of vessels.

Act Mar. 3, 1891, 26 Stat. L., 1436, c. 650, sec. 1. That all officers of the First Kansas Colored Volunteers who were mustered into the service of the United States on or before the second day of May, eighteen hundred and sixty-three, shall take rank and be entitled to pay from the date when they respectively held and performed the duties of their rank in said regiment, or in the companies or battalions of which said regiment was composed, of a rank equal to the rank they respectively held when mustered into the service of the United States in said regiment.

Sec. 2, id. Rank, etc., to those killed at Island Mound, Mo. That Captain Andrew I. Crew, Corporal Joseph Talbot, Privates Marion Barber, Samuel Davis, Henry Gash, Thomas Lane, Allen Rhodes, and John Sixkiller, who were killed in action at Island Mound, Missouri, October twenty-eighth, eighteen hundred and sixty-two, whilst on duty with the companies and battalions of which said regiment was subsequently composed, shall be entitled to the rank, pay, and emoluments conferred by section one of this act.

Sec. 3, id. Pension rights to wounded. That Privates Edward Curtis, Jacob Edwards, Lazarus Johnson, General Dudley, Manuel Dobson, and Thomas Knight, of said companies and battalions, who were wounded in action at Island Mound, Missouri, October twenty-eighth, eighteen hundred and sixty-two, but were not mustered into the United States service, shall be entitled to all rights, privileges, and benefits conferred upon wounded or disabled soldiers by the provisions of the United States pension laws.

Sec. 4, id. Deductions of pay already received. That in computing the pay and allowances to which persons may be entitled under the provisions of this act, any pay and allowances which such parties may have received from the United States for services rendered during the period of time included within the provisions of this act, in any other grade or capacity, shall be deducted from the amount that may be due them under the provisions of this act.

Act Mar. 25, 1862, 12 Stat. L., 374, c. 49, sec. 1. Pay to officers and men in the Department of the West or of Missouri. That the Secretary of War be, and he is hereby, authorized and required to allow and pay to the officers, non-commissioned officers, musicians, and privates who have been heretofore actually employed in the military service of the United States, whether mustered into actual service or not, where their services were accepted and actually employed by the generals who have been in command

of the department of the West, or the department of the Missouri, the pay and bounty as in cases of regular enlistment.

That the officers, noncommissioned officers, musicians, and privates so employed, who may have been wounded or incapacitated for service, shall be entitled to and receive the pension allowed for such disability: *Provided*, That the length and character of their enlistment and service be such as to entitle them under existing laws to such pension.

Sec. 2, id.
Pensions.

Proviso.

That the heirs of those killed in battle, or of those who may have died from wounds received while so in service, shall be entitled to receive the bounty and pay to which they would have been entitled had they been regularly mustered into service: *Provided*, That the bounty and pay referred to in this act shall not be payable unless their term of enlistment and service be of such duration as to entitle them to receive the same, according to existing laws.

Sec. 3, id.
Heirs of those killed, etc., to have bounty and pay.

Proviso.

That each volunteer who joined the forces of the United States, in the Territory of Montana, during the war with the Nez Percé Indians, shall be paid one dollar per day during the term of such service, from the time that he left his home until he was returned thereto, including all the time spent in hospital under treatment by such as received wounds or other injuries in such service.

Act Mar. 3,
1881, 21 Stat. L.,
641, c. 162, sec. 1.
Nez Percé Indian War; Montana citizens serving in, afforded relief.

That all persons who were wounded or disabled in such service, and the heirs of all who were killed in such service, shall be entitled to all the benefits of the pension laws, in the same manner and to the same extent as if they had been duly mustered into the regular or volunteer forces of the United States.

Sec. 2, id.
Pensions for those wounded or disabled.

That the second regiment, third brigade, Ohio volunteer militia, mustered into the service of the United States at Cincinnati, Ohio, on the fourth day of September, eighteen hundred and sixty-two, notwithstanding irregularity may have occurred in the manner of their mustering into the service of the United States, be paid for the time the officers and men were in the service, respectively, after being so mustered, not, however, to exceed the period of thirty days.

Act June 8,
1864, 13 Stat. L.,
121, c. 115.
Payment of Second Regiment, Third Brigade, Ohio Volunteers.

Act Dec. 19,
1902, 32 Stat. L.,
757, c. 7.
First Ohio Vol-
unteer Light Ar-
tillery.
Military service
recognized.

That the officers and enlisted men of the First Regiment Ohio Volunteer Light Artillery (three months' service), furnished by the State of Ohio, under the call of the President of the United States, issued on the fifteenth day of April, eighteen hundred and sixty-one, and which rendered actual military service under the command of officers of the United States and in cooperation with the regularly organized military forces of the United States, shall be held and considered to have been in the military service of and to have formed a part of the military establishment of the United States during the period for which said organization was enlisted and was in active service, and that the Secretary of War be, and he hereby is, authorized and directed to issue certificates of discharge, upon due application and satisfactory proof of identity, for all honorably discharged members of the said organization: *Provided*, That no pay, bounty, or other emoluments shall become due or payable by virtue of the passage of this Act.

Proviso.
Nopay, etc.

Act Mar. 1, 1869,
15 Stat. L., 442,
c. 59.
Payment of
Capt. Goldman
Bryson's com-
pany of mounted
volunteers.

That the company of mounted volunteers raised and commanded by Captain Goldman Bryson, of Cherokee county, State of North Carolina, under authority of Major-General Rosecrans, and received into the service of the United States by Major-General Burnside, September twenty-ninth, eighteen hundred and sixty-three, and such men as were accepted into the service of the United States by the said Captain Goldman Bryson within one month thereafter, and the widows, heirs, and legal representatives of the officers and enlisted men, shall be entitled to pay, bounty, pension, and allowances according to their grade and time of service as other volunteers in the service of the United States, notwithstanding any informality in their muster or enlistment into the service of the United States, under such rules and regulations as may be adopted by the proper accounting officer of the treasury.

Act July 14,
1870, 16 Stat. L.,
653, c. 278.
Preamble.

Whereas David Beaty, of Fentress county, Tennessee, did, on the twenty-fifth day of January, eighteen hundred and sixty-two, organize a company of independent scouts, numbering one hundred and two men, including himself as captain and his first and second lieutenants; and whereas said company was on continuous duty engaged in the work of suppressing the rebellion from the date of its organization until the first day of June, eighteen hun-

dred and sixty-five, serving under the orders of the commander of the army in Tennessee; and whereas said company was never legally mustered into the service of the United States by any properly authorized mustering officer, and neither officers nor privates of said company have ever received any compensation for said services from the government of the United States: Therefore,

Be it enacted, etc., That the organization set forth in the foregoing preamble be, and the same is hereby, recognized as a part of the military force of the United States engaged in suppressing the recent rebellion, and the members thereof, on making proof of actual service, are declared to be entitled to the same pay, pensions, as though they had been regularly mustered into the service of the United States as cavalry: *Provided*, That there shall be filed in the War Department a roll of said company, which shall be sworn to by the captain and two lieutenants of said company: *And provided, further*, That each soldier, upon applying for payment under this act, shall be required to make oath as to the length of his service in said company.

Capt. David
Beaty's company
of independent
scouts recognized
as part of the mili-
tary force of the
United States
and the members
entitled to pay
and pensions.

Provisos.

That all women employed by the Surgeon General of the Army as nurses, under contract or otherwise, during the late war of the rebellion, or who were employed as nurses during such period by authority which is recognized by the War Department, and who rendered actual service as nurses in attendance upon the sick or wounded in any regimental, post, camp, or general hospital of the armies of the United States for a period of six months or more, and who were honorably relieved from such service, and who are now or may hereafter be unable to earn a support, shall, upon making due proof of the fact according to such rules and regulations as the Secretary of the Interior may provide, be placed upon the list of pensioners of the United States and be entitled to receive a pension of twelve dollars per month, and such pension shall commence from the date of filing of the application in the Pension Office after the passage of this act: *Provided*, That no person shall receive more than one pension for the same period.

Act Aug. 5,
1892, 27 Stat. L.,
348, c. 379, sec. 1.
Pensions to
Army nurses.

Period of serv-
ice.

Entitled to \$12
per month.

One pension
only for same
period.

That no fee, compensation, or allowance shall be paid to, received, or accepted by any agent, attorney, or other person instrumental in the prosecution of any claim for pension under this act; and any person who may make

Sec. 2, id.
No fees or com-
pensation to at-
torneys.

Penalty.

any claim upon any applicant for any fee, compensation, or allowance shall be guilty of a misdemeanor, and upon conviction shall be fined not exceeding five hundred dollars, or imprisoned at hard labor not exceeding one year, or both, in the discretion of the court; and it shall be the duty of the Interior and War Departments to render all proper aid to applicants under this act.

Sec. 4694, R. S.
Limitation in
cases of disability
incurred since
July 27, 1868.

Sec. 1, Mar. 3,
1873, 17 Stat. L.,
567; sec. 2, July
27, 1868, 15 Stat.
L., 235.

No person shall be entitled to a pension by reason of wounds or injury received or disease contracted in the service of the United States subsequent to the twenty-seventh day of July, eighteen hundred and sixty-eight, unless the person who was wounded, or injured, or contracted the disease was in the line of duty; and, if in the military service, was at the time actually in the field, or on the march, or at some post, fort, or garrison, or en route, by direction of competent authority, to some post, fort, or garrison; or, if in the naval service, was at the time borne on the books of some ship or other vessel of the United States, at sea or in harbor, actually in commission, or was at some naval station, or on his way, by direction of competent authority, to the United States, or to some other vessel or naval station, or hospital.

Sec. 4700, R. S.
Sick leave, sick
furlough, veter-
an furlough, line
of duty.

Sec. 6, Mar. 3,
1873, 17 Stat. L.,
569; sec. 8, June 6,
1866, 14 Stat. L.,
57.

Officers absent on sick-leave, and enlisted men absent on sick-furlough, or on veteran-furlough with the organization to which they belong, shall be regarded in the administration of the pension-laws in the same manner as if they were in the field or hospital.

Sec. 4695, R. S.
Rate of pension
prescribed for
total disabilities.

Sec. 2, Mar. 3,
1873, 17 Stat. L.,
567; sec. 1, July 14,
1862, 12 Stat. L.,
566.

See act Mar. 3,
1883, 22 Stat. L.,
472.

The pension for total disability shall be as follows, namely: For lieutenant-colonel and all officers of higher rank in the military service and in the Marine Corps, and for captain, and all officers of higher rank, commander, surgeon, paymaster, and chief engineer, respectively ranking with commander by law, lieutenant commanding and master commanding, in the naval service, thirty dollars per month; for major in the military service and in the Marine Corps, and lieutenant, surgeon, paymaster, and chief engineer, respectively ranking with lieutenant by law, and passed assistant surgeon in the naval service, twenty-five dollars per month; for captain in the military service and in the Marine Corps, chaplain in the Army, and provost-marshal, professor of mathematics, master,¹ assistant surgeon, assistant paymaster,

Enrolling officer, provost and deputy provost marshal.

Sec. 1, July 25,
1866, 14 Stat. L.,
230.

¹Act Mar. 3, 1883, 22 Stat. L., 472, changes title of master to lieutenant and provides that masters now on the list shall constitute a junior grade of lieutenants.

and chaplain in the naval service, twenty dollars per month; for first lieutenant in the military service and in the Marine Corps, acting assistant or contract surgeon, and deputy provost-marshal, seventeen dollars per month; for second lieutenant in the military service and in the Marine Corps, first assistant engineer, ensign, and pilot in the naval service, and enrolling officer, fifteen dollars per month; for cadet-midshipman, passed midshipman, midshipmen,¹ clerks of admirals and paymasters and of other officers commanding vessels, second and third assistant engineer, master's mate, and all warrant-officers in the naval service, ten dollars per month; and for all other persons whose rank or office is not mentioned in this section, eight dollars per month; and the masters, pilots, engineers, sailors, and crews upon the gunboats and war-vessels shall be entitled to receive the pension allowed herein to those of like rank in the naval service.

Contract surgeon.
Sec. 2, Mar. 3, 1865, 13 Stat. L., 499.

That from and after the passage of this act, the pension for total disability of passed assistant engineers, assistant engineers, and cadet engineers in the naval service, respectively, shall be the same as the pensions allowed to officers of the line in the naval service with whom they have relative rank; and that all acts or parts of acts inconsistent herewith be, and are hereby, repealed.²

Act Mar. 3, 1877, 19 Stat. L., 403, c. 121.
Passed assistant engineers, cadet engineers.
See sec. 4695, R. S.

That from and after July sixteenth, eighteen hundred and sixty-two, pensions granted to lieutenant-commanders in the Navy for disability, or on account of their death, shall be the same as theretofore provided for lieutenants-commanding.

Act June 18, 1878, 20 Stat. L., 166, c. 268.
See R. S., sec. 4695.
Lieutenant commanders in Navy.

Every commissioned officer of the Army, Navy, or Marine Corps shall receive such and only such pension as is provided in the preceding section, for the rank he held at the time he received the injury or contracted the disease which resulted in the disability, on account of which he may be entitled to a pension; and any commission or presidential appointment, regularly issued to such person, shall be taken to determine his rank from and after the date, as given in the body of the commission or appointment conferring said rank: *Provided*, That a vacancy existed in the rank thereby conferred; that the person commissioned was not disabled for military duty; and that he did not willfully neglect or refuse to be mustered.

Sec. 4696, R. S.
Rate of pension shall be according to rank held at time disability was contracted.
Sec. 2, Mar. 3, 1873, 17 Stat. L., 566.
See sec. 1, July 14, 1862, 12 Stat. L., 566.
Commission determines rank from and after date given in the body of the commission.
Proviso.
Sec. 7, June 6, 1866, 14 Stat. L., 57.

¹ Title of midshipman changed to ensign, and midshipmen now on the list to constitute a junior grade of ensigns.

Act Feb. 24,
1897, 29 Stat. L.,
593, c. 311, sec. 1.
Volunteers.

That any person who was duly appointed or commissioned to be an officer of the volunteer service during the war of the rebellion, and who was subject to the mustering regulations at the time applied to members of the volunteer service shall be held and considered to have been mustered into the service of the United States in the grade named in his appointment or commission from

Officers to take
rank by terms of
appointment.

Pay, etc.

To date from
actual perform-
ance of duties,
etc.

the date from which he was to take rank under and by the terms of his said appointment or commission, whether the same was actually received by him or not, and shall be entitled to pay, emoluments, and pension as if actually mustered at that date: *Provided*, That at the date from which he was to take rank by the terms of his said appointment or commission there was a vacancy to which he could be so appointed or commissioned, and his command had either been recruited to the minimum number required by law and the regulations of the War Department, or had been assigned to duty in the field, and that he was actually performing the duties of the grade to which he was so appointed or commissioned; or if not performing such duties, then he shall be held and considered to have been mustered into service and to be entitled to the benefits of such muster from such time after the date of rank given in his commission as he may have actually entered upon such duties: *Provided further*,

Prisoners of
war, or disabled.

That any person held as a prisoner of war, or who may have been absent by reason of wounds, or in hospital by reason of disability received in the service in the line of duty, at the date of issue of his appointment or commission, if a vacancy existed for him in the grade to which so appointed or commissioned, shall be entitled to all the benefits to which he would have been entitled under this Act if he had been actually performing the duties of the grade to which he was appointed or commissioned at said date: *Provided further*,

Limitation.

That this Act shall be construed to apply only in those cases where the commission bears date prior to June twentieth, eighteen hundred and sixty-three, or after that date when the commands of the persons appointed or commissioned were not below the minimum number required by then existing laws and regulations:

Deduction of
pay received.

And provided further, That the pay and allowances actually received for the period covered by the recognition extended under this Act shall be deducted from the sums otherwise to be paid thereunder.

That the heirs or legal representatives of any person whose muster into service shall be recognized and established under the terms of this Act shall be entitled to receive the arrears of pay and emoluments due, and the pension, if any, authorized by law, for the grade to which recognition shall be so extended.

Sec. 2, id.
Allowance to heirs.

That the pay and allowances of any rank or grade paid to and received by any military or naval officer in good faith for services actually performed by such officer in such rank or grade during the war of the rebellion, other than as directed in the fourth proviso of the first section of this Act, shall not be charged to or recovered back from such officer because of any defect in the title of such officer to the office, rank, or grade in which such services were so actually performed.

Sec. 3, id.
No deductions if services performed.

That all acts and parts of acts inconsistent with the provisions of this Act be, and the same are hereby, repealed.¹

Sec. 4, id.
Repeal, etc.

That all persons who served ninety days or more in the military or naval service of the United States during the late war of the rebellion and who have been honorably discharged therefrom, and who are now or who may hereafter be suffering from a mental or physical disability of a permanent character, not the result of their own vicious habits, which incapacitates them from the performance of manual labor in such a degree as to render them unable to earn a support, shall, upon making due proof of the fact, according to such rules and regulations as the Secretary of the Interior may provide, be placed upon the list of invalid pensioners of the United States, and be entitled to receive a pension not exceeding twelve dollars per month, and not less than six dollars per month, proportioned to the degree of inability to earn a support; and such pension shall commence from the date of the filing of the application in the Pension Office, after the passage of this act, upon proof that the disability then existed, and shall continue during the existence of the same: *Provided*, That persons who are now receiving pensions under existing laws, or whose claims are pending in the Pension Office, may,

Act June 27, 1890, 26 Stat. L., 182, c. 634, sec. 2. Invalid, service 90 days.

Honorable discharge.

See act May 9, 1900, 31 Stat. L., 170.

Rate.

Commencement.

See act Mar. 6, 1896, 29 Stat. L., 45.

Election.

¹ Prior acts relating to muster, remuster, and pay of certain officers and enlisted men of the volunteer forces in the Civil War: Joint resolution July 26, 1866, 14 Stat. L., 368; joint resolution July 11, 1870, 16 Stat. L., 385; act June 3, 1884, 23 Stat. L., 34; act Feb. 3, 1887, 24 Stat. L., 377.

by application to the Commissioner of Pensions, in such form as he may prescribe, showing themselves entitled thereto, receive the benefits of this act; and nothing herein contained shall be so construed as to prevent any pensioner thereunder from prosecuting his claim and receiving his pension under any other general or special act: *Provided, however,* That no person shall receive more than one pension for the same period: *And provided further,* That rank in the service shall not be considered in applications filed under this act.

Rank disre-
garded.

Sec. 3, id.
Widows and
minors.

See act May 9,
1900, 31 Stat. L.,
170.

That if any officer or enlisted man who served ninety days or more in the Army or Navy of the United States during the late war of the rebellion, and who was honorably discharged has died, or shall hereafter die, leaving a widow without other means of support than her daily labor, or minor children under the age of sixteen years, such widow shall, upon due proof of her husband's death, without proving his death to be the result of his Army service, be placed on the pension-roll from the date of the application therefor under this act, at the rate of eight dollars per month during her widowhood, and shall also be paid two dollars per month for each child of such officer or enlisted man under sixteen years of age, and in case of the death or remarriage of the widow, leaving a child or children of such officer or enlisted man under the age of sixteen years, such pension shall be paid such child or children until the age of sixteen:

Insane or per-
manently help-
less children.

Provided, That in case a minor child is insane, idiotic, or otherwise permanently helpless, the pension shall continue during the life of said child, or during the period of such disability, and this proviso shall apply to all pensions heretofore granted or hereafter to be granted under this or any former statute, and such pensions shall commence from the date of application therefor after the passage of this act: *And provided further,* That said widow shall have married said soldier prior to the passage of this act.

Sec. 4, id.
Attorney's fee.

That no agent, attorney, or other person engaged in preparing, presenting, or prosecuting any claim under the provisions of this act shall, directly or indirectly contract for, demand, receive, or retain for such service in preparing, presenting, or prosecuting such claim a sum greater than ten dollars, which sum shall be payable only upon the order of the Commissioner of Pensions, by

the pension agent making payment of the pension allowed, and any person who shall violate any of the provisions of this section, or who shall wrongfully withhold from a pensioner or claimant the whole or any part of a pension or claim allowed or due such pensioner or claimant under this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall, for each and every such offense, be fined not exceeding five hundred dollars, or be imprisoned at hard labor not exceeding two years, or both, in the discretion of the court.

Wrongfully withholding pension from pensioner.

Fine and imprisonment.

That sections two and three of an Act entitled "An Act granting pensions to soldiers and sailors who are incapacitated for the performance of manual labor, and providing for pensions to widows, minor children, and dependent parents," be, and the same are hereby, amended so as to read as follows:

Act May 9, 1900, 31 Stat. L., 170, c. 385.
Act June 27, 1890, secs. 2 and 3 amended.

"SEC. 2. That all persons who served ninety days or more in the military or naval service of the United States during the late war of the rebellion and who have been honorably discharged therefrom, and who are now or who may hereafter be suffering from any mental or physical disability or disabilities of a permanent character, not the result of their own vicious habits, which so incapacitates them from the performance of manual labor as to render them unable to earn a support, shall, upon making due proof of the fact, according to such rules and regulations as the Secretary of the Interior may provide, be placed upon the list of invalid pensioners of the United States, and be entitled to receive a pension not exceeding twelve dollars per month and not less than six dollars per month, proportioned to the degree of inability to earn a support; and in determining such inability each and every infirmity shall be duly considered, and the aggregate of the disabilities shown be rated, and such pension shall commence from the date of the filing of the application in the Bureau of Pensions, after the passage of this Act, upon proof that the disability or disabilities then existed, and shall continue during the existence of the same: *Provided*, That persons who are now receiving pensions under existing laws, or whose claims are pending in the Bureau of Pensions, may, by application to the Commissioner of Pensions, in such form as he may prescribe, showing themselves entitled thereto, receive the benefits of this Act; and nothing herein contained shall be

Disabled soldiers and sailors entitled.

Honorable discharge prerequisite.

Vicious habits a bar.

Rate.
Determination of inability to earn a support.

Aggregate of disabilities rated.

Commencement and continuance of pension.

Pensioners or applicants for pension under existing laws, etc., not barred.

so construed as to prevent any pensioner thereunder from prosecuting his claim and receiving his pension under any other general or special Act: *Provided, however,* That no person shall receive more than one pension for the same period: *And provided further,* That rank in the service shall not be considered in applications filed under this Act.

SEC. 3. That if any officer or enlisted man who served ninety days or more in the Army or Navy of the United States during the late war of the rebellion, and who was honorably discharged has died, or shall hereafter die leaving a widow without means of support other than her daily labor, and an actual net income not exceeding two hundred and fifty dollars per year, or minor children under the age of sixteen years, such widow shall, upon due proof of her husband's death, without proving his death to be the result of his army service, be placed on the pension roll from the date of the application therefor under this Act, at the rate of eight dollars per month during her widowhood, and shall also be paid two dollars per month for each child of such officer or enlisted man under sixteen years of age; and in case of the death or remarriage of the widow, leaving a child or children of such officer or enlisted man under the age of sixteen years, such pension shall be paid such child or children until the age of sixteen: *Provided,* That in case a minor child is insane, idiotic, or otherwise physically or mentally helpless, the pension shall continue during the life of said child, or during the period of such disability, and this proviso shall apply to all pensions heretofore granted or hereafter to be granted under this or any former statute; and such pensions shall commence from the date of application therefor after the passage of this Act: *And provided further,* That said widow shall have married said soldier prior to the passage of the said Act of June twenty-seventh, eighteen hundred and ninety.

That the provisions of the Act of June twenty-seventh, eighteen hundred and ninety, be, and are hereby, extended to include the officers and privates of the Missouri State Militia and the Provisional Missouri Militia who served ninety days during the late War of the Rebellion and were honorably discharged, and to the widows and minor children of such persons. The provisions of this Act shall include all such persons now on the pension rolls, or who may hereafter apply to be admitted thereto

One pension only for same period.

Service rank not considered.

Dependent widows and minors entitled.

Amount of income to disqualify widow.

Rate.

Minor's title.

Insane or helpless children.

Commencement of pensions.

Limitations as to time of marriage.

Joint resolution Feb. 15, 1895, 28 Stat. L., 970.

Public resolution 13.

Act of June 27, 1890, applied to certain Missouri troops, their widows and minors.

That whenever a claim for pension under the Act of June twenty-seventh, eighteen hundred and ninety, has been, or shall hereafter be, rejected, suspended, or dismissed, and a new application shall have been, or shall hereafter be, filed, and a pension has been, or shall hereafter be, allowed in such claim, such pension shall date from the time of filing the first application, provided the evidence in the case shall show a pensionable disability to have existed, or to exist, at the time of filing such first application, anything in any law or ruling of the Department to the contrary notwithstanding.

Act Mar. 6, 1896, 29 Stat. L., 45, c. 46, part. Commencement in rejected, suspended, or dismissed claims

Proviso.

That any person who served ninety days or more in the military or naval service of the United States during the late civil war or sixty days in the war with Mexico, and who has been honorably discharged therefrom, and who has reached the age of sixty-two years or over, shall, upon making proof of such facts according to such rules and regulations as the Secretary of the Interior may provide, be placed upon the pension roll, and be entitled to receive a pension as follows: In case such person has reached the age of sixty-two years, twelve dollars per month; seventy years, fifteen dollars per month; seventy-five years or over, twenty dollars per month; and such pension shall commence from the date of filing of the application in the Bureau of Pensions after the passage and approval of this Act: *Provided*, That pensioners who are sixty-two years of age or over, and who are now receiving pensions under existing laws, or whose claims are pending in the Bureau of Pensions, may, by application to the Commissioner of Pensions in such form as he may prescribe, receive the benefits of this Act; and nothing herein contained shall prevent any pensioner or person entitled to a pension from prosecuting his claim and receiving a pension under any other general or special Act: *Provided*, That no person shall receive a pension under any other law at the same time or for the same period that he is receiving a pension under the provisions of this Act: *Provided further*, That no person who is now receiving or shall hereafter receive a greater pension under any other general or special law than he would be entitled to receive under the provisions herein shall be pensionable under this Act.

Act Feb. 6, 1907, 34 Stat. L., 879, c. 468, sec. 1. Pensions. Allowed at age of 62 for service in Civil and Mexican Wars.

Rating.

Provisos.

Present pensioners and applicants entitled.

Double pensions prohibited.

Restriction.

That rank in the service shall not be considered in applications filed hereunder.

Sec. 2, id. Rank in service not considered.

Sec. 3, id.
Agents not en-
titled to compen-
sation.

That no pension attorney, claim agent, or other person shall be entitled to receive any compensation for services rendered in presenting any claim to the Bureau of Pensions, or securing any pension, under this Act.

Act Mar. 4,
1907, 34 Stat. L.,
1406, c. 2920, part.
Age made per-
manent specific
disability.

Provisions of
act Feb. 6, 1907,
34 Stat. L., 879,
extended to cer-
tain classes of
beneficiaries.

* * * *And provided further*, That hereafter the age of sixty-two years and over shall be considered a permanent specific disability within the meaning of the pension laws: *And provided further*, That the benefits of the Act of February sixth, nineteen hundred and seven, entitled "An Act granting pension to certain enlisted men, soldiers, and officers who served in the civil war and the war with Mexico," are hereby extended to include any person who served the period of time therein specified during the late civil war or in the war with Mexico and who is now or may hereafter become entitled to pension under the Acts of June twenty-seventh, eighteen hundred and ninety, February fifteenth, eighteen hundred and ninety-five, and the joint resolution of July first nineteen hundred and two, or the Acts of January twenty-ninth, eighteen hundred and eighty-seven, March third, eighteen hundred and ninety-one, and February seventeenth, eighteen hundred and ninety-seven.

Sec. 4697, R. S.
Rate of pension
for permanent
and specific dis-
abilities subse-
quent to July 4,
1864, and prior to
June 4, 1872.

Sec. 3, Mar. 3,
1873, 17 Stat. L.,
568; sec. 5, July 4,
1864, 13 Stat. L.,
387; sec. 3, Mar. 3,
1865, 13 Stat. L.,
499.

For loss of hand
and foot, see act
Feb. 28, 1877, 19
Stat. L., 264.

For loss of both
hands, both eyes,
or both feet, see
act June 17, 1878,
20 Stat. L., 144,
and Mar. 3, 1879,
20 Stat. L., 484.

For leg ampu-
tated at hip joint,
see act Mar. 3,
1879, 20 Stat. L.,
483.

For the period commencing July fourth, eighteen hundred and sixty-four, and ending June third, eighteen hundred and seventy-two, those persons entitled to a less pension than hereinafter mentioned, who shall have lost both feet in the military or naval service and in the line of duty, shall be entitled to a pension of twenty dollars per month; for the same period those persons who, under like circumstances, shall have lost both hands or the sight of both eyes, shall be entitled to a pension of twenty-five dollars per month; and for the period commencing March third, eighteen hundred and sixty-five, and ending June third, eighteen hundred and seventy-two, those persons who under like circumstances shall have lost one hand and one foot, shall be entitled to a pension of twenty dollars per month; and for the period commencing June sixth, eighteen hundred and sixty-six, and ending June third, eighteen hundred and seventy-two, those persons who under like circumstances shall have lost one hand or one foot, shall be entitled to a pension of fifteen dollars per month; and for the period commencing June sixth, eighteen hundred and sixty-six, and ending June third, eighteen hundred and seventy-two, those persons entitled to a less pension than hereinafter mentioned, who by

reason of injury received or disease contracted in the military or naval service of the United States and in the line of duty, shall have been permanently and totally disabled in both hands, or who shall have lost the sight of one eye, the other having been previously lost, or who shall have been otherwise so totally and permanently disabled as to render them utterly helpless, or so nearly so as to require regular personal aid and attendance of another person, shall be entitled to a pension of twenty-five dollars per month; and for the same period those who under like circumstances shall have been totally and permanently disabled in both feet, or in one hand and one foot, or otherwise so disabled as to be incapacitated for the performance of any manual labor, but not so much as to require regular personal aid and attention, shall be entitled to a pension of twenty dollars per month; and for the same period all persons who under like circumstances shall have been totally and permanently disabled in one hand, or one foot, or otherwise so disabled as to render their inability to perform manual labor equivalent to the loss of a hand or foot, shall be entitled to a pension of fifteen dollars per month.

From and after June fourth, eighteen hundred and seventy-two, all persons entitled by law to a less pension than hereinafter specified, who while in the military or naval service of the United States, and in line of duty, shall have lost the sight of both eyes, or shall have lost the sight of one eye, the sight of the other having been previously lost, or shall have lost both hands, or shall have lost both feet, or been permanently and totally disabled in the same, or otherwise so permanently and totally disabled as to render them utterly helpless, or so nearly so as to require the regular personal aid and attendance of another person, shall be entitled to a pension of thirty-one dollars and twenty-five cents per month; and all persons who, under like circumstances, shall have lost one hand and one foot, or been totally and permanently disabled in the same, or otherwise so disabled as to be incapacitated for performing any manual labor, but not so much as to require regular personal aid and attendance, shall be entitled to a pension of twenty-four dollars per month; and all persons who, under like circumstances, shall have lost one hand, or one foot, or been totally and permanently disabled in the same, or otherwise so disabled as to render their incapacity to

Sec. 1, June 6, 1866, 14 Stat. L., 56.

Sec. 12, July 27, 1868, 15 Stat. L., 237.

As to total and permanent helplessness, see amendment acts June 18, 1874, 18 Stat. L., 78, and June 16, 1880, 21 Stat. L., 281.

See sec. 1, June 6, 1866, 14 Stat. L., 56.

Sec. 4698, R. S. Rate of pension for permanent and specific disabilities subsequent to June 4, 1872.

For loss of both eyes, both hands, or both feet, see sec. 4, Mar. 3, 1873, 17 Stat. L., 569; act June 8, 1872, 17 Stat. L., 335; June 18, 1874, 18 Stat. L., 78; June 17, 1878, 20 Stat. L., 144; Feb. 12, 1889, 25 Stat. L., 659; Mar. 2, 1903, 32 Stat. L., 944; Apr. 8, 1904, 33 Stat. L., 163.

As to total and permanent helplessness, see acts June 18, 1874, June 17, 1878, June 16, 1880, 21 Stat. L., 381, and Mar. 4, 1890, 26 Stat. L., 16. See acts Mar. 3, 1883, 22 Stat. L., 453, Aug. 4, 1886, 24 Stat. L., 220, and Mar. 2, 1903, 32 Stat. L., 944.

For loss of hand and foot, see acts Feb. 28, 1877, 19 Stat. L., 264; Mar. 2, 1903, 32 Stat. L., 944.

For leg amputated at hip joint, see act Mar. 3, 1879, 20 Stat. L., 483.

Sec. 4, Mar. 3,
1873, 17 Stat. L.,
569.

For deafness,
see act Aug. 27,
1888, 25 Stat. L.,
449; Jan. 15, 1903,
32 Stat. L., 773.

Disability not
permanent—rate;
sec. 4, Mar. 3,
1873, 17 Stat. L.,
569.

Act June 18,
1874, 18 Stat. L.,
78, c. 298, sec. 1.
See secs. 4697,
4698, R. S.

Increase of pen-
sion for loss of
sight of both eyes,
both hands, both
feet, or other in-
juries resulting in
total helplessness.
See acts Mar. 3,
1883, 22 Stat. L.,
453; Aug. 4, 1886,
24 Stat. L., 220;
Mar. 2, 1903, 32
Stat. L., 944.

Sec. 2, 1d.
Effective from
June 4, 1874.

Act June 16,
1880, 21 Stat. L.,
281, c. 236, sec. 1.
Total helpless-
ness.
See secs. 4697,
4698, R. S.

perform manual labor equivalent to the loss of a hand or foot, shall be entitled to a pension of eighteen dollars per month: *Provided*, That all persons who, under like circumstances, have lost a leg above the knee, and in consequence thereof are so disabled that they can not use artificial limbs, shall be rated in the second class and receive twenty-four dollars per month from and after June fourth, eighteen hundred and seventy-two; and all persons who, under like circumstances, shall have lost the hearing of both ears, shall be entitled to a pension of thirteen dollars per month from the same date: *Pro- vided*, That the pension for a disability not permanent, equivalent in degree to any provided for in this section, shall, during the continuance of the disability in such degree, be at the same rate as that herein provided for a permanent disability of like degree.

That section four of the act entitled "An act to revise, consolidate, and amend the laws relating to pensions," and approved March third, eighteen hundred and seventy-three, be so amended that all persons who, while in the military or naval service of the United States, and in the line of duty, shall have been so permanently and totally disabled as to require the regular personal aid and attend-ance of another person, by the loss of the sight of both eyes, or by the loss of the sight of one eye, the sight of the other having been previously lost, or by the loss of both hands, or by the loss of both feet, or by any other injury resulting in total and permanent helplessness, shall be entitled to a pension of fifty dollars per month; and this shall be in lieu of a pension of thirty-one dollars and twenty-five cents per month granted to such person by said section: *Provided*, That the increase of pension shall not be granted by reason of any of the injuries herein specified unless the same shall have resulted in permanent total helplessness, requiring the regular per-sonal aid and attendance of another person.

That this act shall take effect from and after the fourth day of June, eighteen hundred and seventy-four.

That all soldiers and sailors who are now receiving a pension of fifty dollars per month, under the provisions of an act entitled "An act to increase the pension of soldiers and sailors who have been totally disabled," ap- proved June eighteenth, eighteen hundred and seventy-four, shall receive, in lieu of all pensions now paid them

by the Government of the United States, and there shall be paid them in the same manner as pensions are now paid to such persons, the sum of seventy two dollars per month.

All pensioners whose pensions shall be increased by the provisions of this act from fifty dollars per month to seventy two dollars per month shall be paid the difference between said sums monthly, from June seventeenth, eighteen hundred and seventy eight, to the time of the taking effect of this act.

Sec. 2, id.
See June 18, 1874, 18 Stat. L., 78; Mar. 3, 1879, 20 Stat. L., 483; June 17, 1878, 20 Stat. L., 144.

Whereas, it is apparent that the present pension paid to soldiers and sailors who have lost both their hands or both their feet in the service of the country is greatly inadequate to the support of such as have families: Therefore,

Act June 17, 1878, 20 Stat. L., 144, c. 261.
See secs. 4697, 4698, R. S.

Be it enacted, etc., That on and after the passage of this act, all soldiers and sailors who have lost either both their hands or both their feet or the sight of both eyes in the service of the United States, shall receive, in lieu of all pensions now paid them by the Government of the United States, and there shall be paid to them, in the same manner as pensions are now paid to such persons, the sum of seventy-two dollars per month.

Loss of both hands or both feet or sight of both eyes.
See acts Feb. 12, 1889, 25 Stat. L., 659; Mar 2, 1903, 32 Stat. L., 944; Apr. 8, 1904, 33 Stat. L., 163.

That the act of June seventeenth, eighteen hundred and seventy-eight, entitled "An act to increase the pensions of certain soldiers and sailors who have lost both their hands or both their feet, or the sight of both eyes, in the service of the country," be so construed as to include all soldiers and sailors who have become totally blind from causes occurring in the service of the United States.

Act Mar. 3, 1879, 20 Stat. L., 484, c. 200.
Loss of sight both eyes.
See June 17, 1878, 20 Stat. L., 144; secs. 4697, 4698, R. S.; June 16, 1880, 21 Stat. L., 281.

That from and after the passage of this Act all persons on the pension roll, and all persons hereafter granted a pension, who, while in the military or naval service of the United States and in the line of duty, shall have lost both eyes, or who have become totally blind from causes occurring in the service of the United States, shall receive a pension at the rate of one hundred dollars per month: *Provided, however*, That this Act shall not be so construed as to reduce any pension under any Act, public or private.

Act. Apr. 8, 1904, 33 Stat. L., 163, c. 945.
Increase of pension for total blindness.

That from and after the passage of this act all persons who, in the military or naval service of the United States and in the line of duty, have lost both hands, shall be entitled to a pension of one hundred dollars per month.

Act Feb. 12, 1889, 25 Stat. L., 659, c. 132.
Loss of both hands, \$100.

Act Feb. 28,
1877, 19 Stat. L.,
264, c. 73.

See secs. 4697,
4698, R. S.

Loss one hand
and one foot.

See act Mar. 2,
1903, 32 Stat. L.,
944.

That all persons who, while in the military or naval service of the United States and in the line of duty, shall have lost one hand and one foot, or been totally and permanently disabled in both, shall be entitled to a pension for each of such disabilities, and at such a rate as is provided for by the provisions of the existing laws for each disability: *Provided*, That this act shall not be so construed as to reduce pensions in any case.

Act June 18,
1874, 18 Stat. L.,
78, c. 299, sec. 1.

See secs. 4697,
4698, R. S.

Loss of arm at
or above elbow;
leg at or above
knee.

Prohibition
against issue of
artificial limbs.

That all persons who are now entitled to pensions under existing laws and who have lost either an arm at or above the elbow, or a leg at or above the knee, shall be rated in the second class, and shall receive twenty-four dollars per month: *Provided*, That no artificial limbs, or commutation therefor, shall be furnished to such persons as shall be entitled to pensions under this act.

Sec. 2, 1d.
Effective from
June 4, 1874.

That this act shall take effect from and after the fourth day of June, eighteen hundred and seventy-four.

Act Mar. 3,
1883, 22 Stat. L.,
453, c. 91.

Increase of pen-
sion of soldiers
and sailors who
have lost one
hand or one foot
or totally dis-
abled in same.

See acts Aug. 4,
1886, 24 Stat. L.,
220; Mar. 2, 1903,
32 Stat. L., 944.

Equivalent in-
capacity.

That from and after the passage of this act all persons on the pension-roll, and all persons hereafter granted a pension, who, while in the military or naval service of the United States, and in the line of duty, shall have lost one hand or one foot, or been totally or permanently disabled in the same, or otherwise so disabled as to render their incapacity to perform manual labor equivalent to the loss of a hand or foot, shall receive a pension of twenty-four dollars per month; that all persons now on the pension-roll and all persons hereafter granted a pension who in like manner shall have lost either an arm at or above the elbow or a leg at or above the knee, or shall have been otherwise so disabled as to be incapacitated for performing any manual labor, but not so much as to require regular personal aid and attendance, shall receive a pension of thirty dollars per month: *Provided*, That nothing contained in this act shall be construed to repeal section forty-six hundred and ninety-nine of the Revised Statutes of the United States or to change the rate of eighteen dollars per month therein mentioned to be proportionately divided for any degree of disability established for which section forty-six hundred and ninety-five makes no provision.

Sec. 4699, R. S.

\$18 rate.

Act Mar. 3,
1879, 20 Stat. L.,
483, c. 198.

See secs. 4697,
4698, R. S.

That all pensioners now on the pension rolls, or who may hereafter be placed thereon, for amputation of either leg at the hip joint shall receive a pension at the rate of

thirty-seven dollars and fifty cents per month from the date of the approval of this act. Amputation leg at hip joint. 220; Mar. 2, 1903, See act Aug. 4, 1886, 24 Stat. L., 32 Stat. L., 944.

That all soldiers and sailors of the United States who have had an arm taken off at the shoulder joint, caused by injuries received in the service of their country while in the line of duty, and who are now receiving pensions, shall have their pensions increased to the same amount that the law now gives to soldiers and sailors who have lost a leg at the hip joint; and this act shall apply to all who shall be hereafter placed on the pension-roll. Act Mar. 3, 1885, 23 Stat. L., 437, c. 352. Pension for loss of arm at shoulder joint to be same as for loss of leg at hip joint. See act Aug. 4, 1886, 24 Stat. L., 220; Mar. 2, 1903, 32 Stat. L., 944.

That from and after the passage of this act all persons on the pension-rolls, and all persons hereafter granted a pension, who, while in the military or naval service of the United States and in line of duty, shall have lost one hand or one foot, or been totally disabled in the same, shall receive a pension of thirty dollars a month; that all persons now on the pension-rolls, and all persons hereafter granted a pension, who in like manner shall have lost either an arm at or above the elbow or a leg at or above the knee, or been totally disabled in the same, shall receive a pension of thirty-six dollars per month; and that all persons now on the pension-rolls, and all persons, hereafter granted a pension who in like manner shall have lost either an arm at the shoulder-joint or a leg at the hip-joint, or so near the joint as to prevent the use of an artificial limb, shall receive a pension at the rate of forty-five dollars per month: *Provided*, That nothing contained in this act shall be construed to repeal section forty-six hundred and ninety-nine of the Revised Statutes of the United States, or to change the rate of eighteen dollars per month therein mentioned to be proportionately divided for any degree of disability established for which section forty-six hundred and ninety-five makes no provision. Act Aug. 4, 1886, 24 Stat. L., 220, c. 899. See sec. 4698, R. S., and its amendments, as follows: Acts of June 18, 1874; (2) Feb. 28, 1877; June 17, 1878; Mar. 3, 1879; (2) June 16, 1880; Mar. 3, 1883, Mar. 3, 1885, and act Mar. 2, 1903. Loss one hand or one foot, or totally disabled in same. Loss of arm at or above elbow or leg at or above knee. Loss of arm at shoulder joint or leg at hip joint or inability to use artificial limb.

That from and after the passage of this act all persons on the pension roll, and all persons hereafter granted a pension, who, while in the military or naval service of the United States and in the line of duty, shall have lost one hand or one foot, or been totally disabled in the same, shall receive a pension at the rate of forty dollars per month; that all persons who, in like manner, shall have lost an arm at or above the elbow or a leg at or above the knee, or been totally disabled in the same, shall receive a pension at the rate of forty-six dollars per month; that Act Mar. 2, 1903, 32 Stat. L., 944, c. 977. Increase of pension for loss of limbs, or total disability in same, etc.

all persons who, in like manner, shall have lost an arm at the shoulder joint or a leg at the hip joint, or so near the shoulder or hip joint or where the same is in such a condition as to prevent the use of an artificial limb, shall receive a pension at the rate of fifty-five dollars per month, and that all persons who, in like manner, shall have lost one hand and one foot, or been totally disabled in the same, shall receive a pension at the rate of sixty dollars per month; and that all persons who, in like manner, shall have lost both feet shall receive a pension at the rate of one hundred dollars per month: *Provided, however,* That this Act shall not be so construed as to reduce any pension under any act, public or private.

Loss of both feet, \$100.

Act Aug. 27, 1888, 25 Stat. L., 449, c. 913.
Total deafness, rate, \$30.

See act Jan. 15, 1903, 32 Stat. L., 773.

That from and after the passage of this act all persons on the pension-rolls of the United States, or who may hereafter be thereon, drawing pension on account of loss of hearing, shall be entitled to receive, in lieu of the amount now paid in case of such disability, the sum of thirty dollars, in cases of total deafness, and such proportion thereof in cases of partial deafness as the Secretary of the Interior may deem equitable; the amount paid to be determined by the degree of disability existing in each case.

Act Jan. 15, 1903, 32 Stat. L., 773, c. 190.
Increase total deafness. \$40.

Rate for partial deafness not affected.

That from and after the passage of this act all persons on the pension roll of the United States, or who may hereafter be placed thereon, receiving pension for total loss of hearing due to causes originating in the military or naval service of the United States and in the line of duty, shall be entitled to receive, in lieu of the amount now paid in case of such disability, the sum of forty dollars per month: *Provided,* That said increase shall in no manner affect the rate of pension now being paid and allowable for partial deafness, the rating for which shall be continued and determined in accordance with the provisions of existing law.

Act Mar. 4, 1890, 26 Stat. L., 16, c. 25.

Totally helpless; regular personal aid and attendance.

Act June 16, 1880, 21 Stat. L., 281, amended.

That all soldiers, sailors, and marines who have since the sixteenth day of June, eighteen hundred and eighty, or who may hereafter become so totally and permanently helpless from injuries received or disease contracted in the service and line of duty as to require the regular personal aid and attendance of another person, or who, if otherwise entitled, were excluded from the provisions of "An act to increase pensions of certain pensioned soldiers and sailors who are utterly helpless from in-

injuries received or disease contracted while in the United States service," approved June sixteenth, eighteen hundred and eighty, shall be entitled to receive a pension at the rate of seventy-two dollars per month from the date of the passage of this act or of the certificate of the examining surgeon or board of surgeons showing such degree of disability made subsequent to the passage of this act.

That soldiers and sailors who are shown to be totally incapacitated for performing manual labor by reason of injuries received or disease contracted in the service of the United States and in line of duty, and who are thereby disabled to such a degree as to require frequent and periodical, though not regular and constant, personal aid and attendance of another person, shall be entitled to receive a pension of fifty dollars per month from and after the date of the certificate of the examining surgeon or board of examining surgeons showing such degree of disability, and made subsequent to the passage of this act.

Act July 14, 1892, 27 Stat. L., 149, c. 169.
Totally disabled and requiring frequent and periodical aid, entitled to \$50.

Except in cases of permanent specific disabilities, no increase of pension shall be allowed to commence prior to the date of the examining surgeon's certificate establishing the same, made under the pending claim for increase, and in this, as well as all other cases, the certificate of an examining surgeon, or of a board of examining surgeons, shall be subject to the approval of the Commissioner of Pensions.

Sec. 4698, R. S. Commencement of increase for disabilities not permanent and specific.
Sec. 4, Mar. 3, 1873, 17 Stat. L., 569; June 18, 1874, 18 Stat. L., 78.

The rate of eighteen dollars per month may be proportionately divided for any degree of disability established for which section forty-six hundred and ninety-five makes no provision.

Sec. 4699, R. S. Division of rate of \$18 per month.
Sec. 5, Mar. 3, 1873, 17 Stat. L., 569.

* * * *And it is further provided,* That from and after the passage of this Act all pensioners now on the rolls who are pensioned at less than six dollars per month, for any degree of pensionable disability, shall have their pensions increased to six dollars per month; and that hereafter, whenever any applicant for pension would under existing rates, be entitled to less than six dollars for any single disability, or several combined disabilities, such pensioner shall be rated at not less than six dollars per month: *Provided also,* That the provisions hereof shall not be held to cover any pensionable period prior to the passage of this Act, nor authorize a rerating of any claims for any part of such period, nor prevent the allow-

Act Mar. 2, 1895, 28 Stat. L., 704, c. 161, part.
Minimum rate of pension \$6.

Act not retroactive.

ance of lower rates than six dollars per month, according to the existing practice in the Pension Office in pending cases covering any pensionable period prior to the passage of this Act.

Act Jan. 25,
1879, 20 Stat. L.,
265, c. 23, sec. 1.
Arrears of pen-
sion.

That all pensions which have been granted under the general laws regulating pensions, or may hereafter be granted, in consequence of death from a cause which originated in the United States service during the continuance of the late war of the rebellion, or in consequence of wounds, injuries, or disease received or contracted in said service during said war of the rebellion, shall commence from the date of the death or discharge from said service of the person on whose account the claim has been or shall hereafter be granted, or from the termination of the right of the party having prior title to such pension: *Provided*, The rate of pension for the intervening time for which arrears of pension are hereby granted shall be the same per month for which the pension was originally granted.

Commence-
ment.

Rate.

Sec. 2, id.
Rules and regu-
lations.

That the Commissioner of Pensions is hereby authorized and directed to adopt such rules and regulations for the payment of the arrears of pension hereby granted as will be necessary to cause to be paid to such pensioner, or, if the pensioner shall have died, to the person or persons entitled to the same, all such arrears of pension as the pensioner may be, or would have been, entitled to under this act.

Sec. 3, id.
Sec. 4717, R. S.,
repealed.

That section forty-seven hundred and seventeen of the Revised Statutes of the United States, which provides that "no claim for pension not prosecuted to a successful issue within five years from the date of filing the same shall be admitted without record evidence from the War or Navy Department of the injury or the disease which resulted in the disability or death of the person on whose account the claim is made: *Provided*, That in any case in which the limitation prescribed by this section bars the further prosecution of the claim, the claimant may present, through the Pension Office, to the Adjutant-General of the Army or the Surgeon-General of the Navy, evidence that the disease or injury which resulted in the disability or death of the person on whose account the claim is made originated in the service and in the line of duty; and if such evidence is deemed satisfactory by the officer to whom it may be submitted, he shall cause a rec-

ord of the fact so proved to be made, and a copy of the same to be transmitted to the Commissioner of Pensions, and the bar to the prosecution of the claim shall thereby be removed," be, and the same is hereby, repealed.

No claim agent or other person shall be entitled to receive any compensation for services in making application for arrears of pension.

Sec. 4, id.
No fees to attorneys.
See secs. 4768, 4769, 4786, R. S.

That all acts or parts of acts so far as they may conflict with the provisions of this act be, and the same are hereby, repealed.

Sec. 5, id.
Repeals.

That the rate at which the arrears of invalid pensions shall be allowed and computed in the cases which have been or shall hereafter be allowed shall be graded according to the degree of the pensioner's disability from time to time, and the provisions of the pension laws in force over the period for which the arrears shall be computed.

Act Mar. 3, 1879, 20 Stat. L., 469, c. 187, sec. 1, part.
Rate of arrears.

That section one of the act of January twenty-fifth, eighteen hundred and seventy-nine, granting arrears of pensions shall be construed to extend to and include pensions on account of soldiers who were enlisted or drafted for the service in the War of the Rebellion, but died or incurred disability from a cause originating after the cessation of hostilities, and before being mustered out: *Provided*, That in no case shall arrears of pensions be allowed and paid from a time prior to the date of actual disability.

Act Jan. 25, 1879, construed.

All pensions which have been, or which may hereafter be, granted in consequence of death occurring from a cause which originated in the service since the fourth day of March, eighteen hundred and sixty-one, or in consequence of wounds or injuries received or disease contracted since that date shall commence from the death or discharge of the person on whose account the claim has been or is hereafter granted if the disability occurred prior to discharge, and if such disability occurred after the discharge then from the date of actual disability or from the termination of the right of party having prior title to such pension: *Provided*, The application for such pension has been or is hereafter filed with the Commissioner of Pensions prior to the first day of July, eighteen hundred and eighty, otherwise the pension shall commence from the date of filing the application¹; but the

Sec. 2, id.
Commencement of pension.

Limitation as to date of filing claim.
See act June 7, 1888, 25 Stat. L., 173.

¹ Limitation as to date of filing application in widows' claims removed by act of June 7, 1888, p. 62. Calif - Digitized by Microsoft®

Not applicable to insane persons or minors.

limitation herein prescribed shall not apply to claims by or in behalf of insane persons and children under sixteen years of age.

Sec. 3, id. Sec. 4709, R. S., repealed.

Section forty-seven hundred and nine of the Revised Statutes is hereby repealed.

Act Mar. 3, 1885, 23 Stat. L., 362, c. 340, part. Soundness at enlistment presumed.

* * * *Provided*, That all applicants for pensions shall be presumed to have had no disability at the time of enlistment; but such presumption may be rebutted.

Chapter IV.

PENSIONS TO WIDOWS AND DEPENDENT RELATIVES BASED ON SERVICE SINCE MARCH 4, 1861.

SEC. 4702, R. S., AS AMENDED BY ACT AUG. 7, 1882. Widows and minors, when entitled.

ACT MAR. 19, 1886. Increase in rate to certain widows.

ACT JUNE 7, 1888. Commencement of widows' pension.

ACT MAR. 3, 1875. Pension laws extended to widows, etc., of soldiers murdered at Centralia, Mo.

SEC. 4703, R. S. Increased pensions to widows, etc., from and after July 25, 1866.

ACT JUNE 27, 1890, SEC. 3. Widows and minors, when entitled.

ACT MAY 9, 1900, SEC. 3. Widows and minors, when entitled.

ACT APR. 19, 1908. Widows of certain officers and men given pensionable status.

ACT MAR. 3, 1899, PART. Payment of pension to widows; condition as to date of marriage and cohabitation.

SEC. 4704, R. S. Legitimacy of children.

SEC. 4705, R. S. Widows of colored and Indian soldiers, proof of marriage.

SEC. 4706, R. S. Abandonment of minor child by widow forfeits her title during its pensionable minority.

SEC. 4707, R. S. Succession of title of dependent relatives.

ACT JUNE 27, 1890, SEC. 1. Dependent parents, sufficiency of evidence to show dependence.

ACT JAN. 3, 1887, SEC. 2. Date of death fixed in case of officers, etc., lost in the wreck of the steamer *Jeanette*.

ACT JAN 3, 1887, SEC. 3. Twelve months' pay given by act to be deducted from pensions granted to widows and minors, etc.

ACT JAN. 29, 1887, SEC. 2. One year's pay given to widows, etc., of those lost in the wreck of the *Ashuelot*; to be deducted from any pension allowed.

ACT MAR. 30, 1898, SEC. 4. Commencement of pensions arising out of the destruction of the U. S. S. *Maine*.

SEC. 4708, R. S. Remarriage of widow terminates pension.

ACT MAR. 3, 1901. Remarried widows, restoration of pension to.

ACT FEB. 28, 1903. Remarried widows, restoration of pension to.

ACT MAR. 13, 1896. Death presumed from seven years' unexplained absence.

SEC. 4735, R. S. Widow not to receive pension for period over which the husband was paid.

That section forty-seven hundred and two, title fifty-seven, of the Revised Statutes of the United States is hereby amended so as to read as follows:

“SEC. 4702. If any person embraced within the provisions of sections forty-six hundred and ninety-two and forty-six hundred and ninety-three has died since the fourth day of March, eighteen hundred and sixty-one, or hereafter dies, by reason of any wound, injury, or disease which under the conditions and limitations of such sections would have entitled him to an invalid pension had he been disabled, his widow, or if there be no widow, or in case of her death without payment to her of any part of the pension hereinafter mentioned, his child or children under sixteen years of age, shall be entitled to receive the same pension as the husband or father would have been

Act Aug. 7,
1882, 22 Stat. L.,
345, c. 438, sec. 1.

Widows and
minors, when en-
titled.
Sec. 4702, R. S.,
amended.

entitled to had he been totally disabled, to commence from the death of the husband or father, to continue to the widow during her widowhood, and to his child or children until they severally attain the age of sixteen years, and no longer; and if the widow remarry, the child or children shall be entitled from the date of remarriage, except when such widow has continued to draw the pension-money after her remarriage, in contravention of law, and such child or children have resided with and been supported by her, their pension will commence at the date to which the widow was last paid."

Sec. 2, id.
Marriages; how
proven.

That marriages, except such as are mentioned in section forty-seven hundred and five of the Revised Statutes shall be proven in pension cases to be legal marriages according to the law of the place where the parties resided at the time of marriage or at the time when the right to pension accrued; and the open and notorious adulterous cohabitation of a widow who is a pensioner shall operate to terminate her pension from the commencement of such cohabitation.

Adulterous co-
habitation forfeits
pension.

Act Mar. 19,
1886, 24 Stat. L.
5, c. 22, sec. 1.
In the nature of
an amendment to
secs. 4703 and
4707, R. S.
Increase pen-
sion to widows.

That from and after the passage of this act the rate of pension for widows, minor children, and dependent relatives now on the pension-roll, or hereafter to be placed on the pension-roll, and entitled to receive a less rate than hereinafter provided, shall be twelve dollars per month; and nothing herein shall be construed to affect the existing allowance of two dollars per month for each child under the age of sixteen years: *Provided*.

Limitation;
date of marriage.

That this act shall apply only to widows who were married to the deceased soldier or sailor prior to its passage and to those who may hereafter marry prior to or during the service of the soldier or sailor. And all acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

Sec. 2, id.
No attorney's
fee allowed.

That no claim agent or attorney shall be recognized in the adjudication of claims under this act, nor shall any such person be entitled to receive any compensation whatever for services or pretended services in making applications thereunder.

Act June 7,
1888, 25 Stat. L.,
173, c. 369, part.
Commence-
ment of widow's
pension.

Limitation; act
Mar. 3, 1879, re-
moved.

That all pensions which have been, or which may hereafter be, granted under the general laws regulating pensions to widows in consequence of death occurring from a cause which originated in the service since the fourth day of March, eighteen hundred and sixty-one, shall commence from the date of death of the husband: * * *

That the provisions of existing pension laws be, and the same are hereby, extended to the widows, children, dependent mothers and fathers, or orphan brothers and sisters, in the order named, of those lately discharged soldiers of the Army of the United States, who were murdered by guerrillas at Centralia, Missouri, in eighteen hundred and sixty-four, while being transported on the North Missouri Railroad.

That the provisions of this act shall be construed to extend to the widows, children, dependent mothers and fathers, or orphan brothers and sisters, in the order named, of any member of the Missouri militia who was murdered as aforesaid by guerrillas at Centralia, Missouri, in eighteen hundred and sixty-four.

The pensions of widows shall be increased from and after the twenty-fifth day of July, eighteen hundred and sixty-six at the rate of two dollars per month for each child under the age of sixteen years, of the husband on account of whose death the claim has been, or shall be, granted. And in every case in which the deceased husband has left, or shall leave, no widow, or where his widow has died or married again, or where she has been deprived of her pension under the provisions of the pension-law, the pension granted to such child or children shall be increased to the same amount per month that would be allowed under the foregoing provisions to the widow, if living and entitled to a pension: *Provided*, That the additional pension herein granted to the widow on account of the child or children of the husband by a former wife shall be paid to her only for such period of her widowhood as she has been, or shall be, charged with the maintenance of such child or children; for any period during which she has not been, or she shall not be, so charged, it shall be granted and paid to the guardian of such child or children: *Provided further*, That a widow or guardian to whom increase of pension has been, or shall hereafter be, granted on account of minor children, shall not be deprived thereof by reason of their being maintained in whole or in part at the expense of a State or the public in any educational institution, or in any institution organized for the care of soldiers' orphans.¹

Act Mar. 3, 1875, 18 Stat. L., 671, c. 253, sec. 1. Pension laws extended to widows, children, etc., of soldiers murdered at Centralia, Mo.

Sec. 2, id. Provisions extended to widows and minors of Missouri militia.

Sec. 4703, R. S. Increased pensions to widows, etc.

Sec. 9, Mar. 3, 1873, 17 Stat. L., 570; sec. 2, July 25, 1866, 14 Stat. L., 230; sec. 4, July 27, 1868, 15 Stat. L., 235.

Period of payment for minor by former wife.

Maintenance of minor by State, etc., does not vacate rights.

Sec. 5, July 27, 1868, 15 Stat. L., 237.

¹ The \$2 additional pension granted under this section on account of minor children under 16 years of age may be continued in cases of insane, idiotic, or helpless children during the life of such children or during the period of their disability, under the proviso of the third section of the act of June 27, 1890, and amendment of May 9, 1900.

Act June 27,
1890, 26 Stat. L.,
182, c. 634, sec. 3.
Amended by
act May 9, 1900.
Widows and
minors.

Proof of hus-
band's death.

Rate.

Minor's title.

Insane or per-
manently help-
less children; con-
tinuance of pen-
sion.

Commence-
ment of pension.

Limitation as
to date of mar-
riage.

Act May 9, 1900,
31 Stat. L., 170, c.
385.
Sec. 3, act June
27, 1890, amended.
Dependent
widows and mi-
nors entitled.

Amount of in-
come to disqual-
ify widow.

Rate.

Minor's title.

That if any officer or enlisted man who served ninety days or more in the Army or Navy of the United States during the late war of the rebellion, and who was honorably discharged has died, or shall hereafter die leaving a widow without other means of support than her daily labor, or minor children under the age of sixteen years, such widow shall, upon due proof of her husband's death, without proving his death to be the result of his army service, be placed on the pension-roll from the date of the application therefor under this act at the rate of eight dollars per month during her widowhood, and shall also be paid two dollars per month for each child of such officer or enlisted man under sixteen years of age, and in case of the death or remarriage of the widow, leaving a child or children of such officer or enlisted man under the age of sixteen years, such pension shall be paid such child or children until the age of sixteen: *Provided*, That in case a minor child is insane, idiotic, or otherwise permanently helpless, the pension shall continue during the life of said child, or during the period of such disability, and this proviso shall apply to all pensions heretofore granted or hereafter to be granted under this or any former statute, and such pensions shall commence from the date of application therefor after the passage of this act: *And provided further*, That said widow shall have married said soldier prior to the passage of this act.

That if any officer or enlisted man who served ninety days or more in the Army or Navy of the United States during the late war of the rebellion, and who was honorably discharged has died, or shall hereafter die, leaving a widow without means of support other than her daily labor, and an actual net income not exceeding two hundred and fifty dollars per year, or minor children under the age of sixteen years, such widow shall, upon due proof of her husband's death, without proving his death to be the result of his Army service, be placed on the pension-roll from the date of the application therefor under this Act, at the rate of eight dollars per month during her widowhood, and shall also be paid two dollars per month for each child of such officer or enlisted man under sixteen years of age; and in case of the death or remarriage of the widow, leaving a child or children of such officer or enlisted man under the age of sixteen years, such pen-

sion shall be paid such child or children until the age
 of sixteen: *Provided*, That in case a minor child is in-
 sane, idiotic, or otherwise physically or mentally helpless,
 the pension shall continue during the life of said child,
 or during the period of such disability; and this proviso
 shall apply to all pensions heretofore granted or here-
 after to be granted under this or any former statute;
 and such pensions shall commence from the date of
 application therefor after the passage of this Act: *And*
provided further, That said widow shall have married
 said soldier prior to the passage of the said Act of June
 twenty-seventh, eighteen hundred and ninety.

Insane or help-
less children.

Continuance of
pension.

Commence-
ment of pensions.

Limitation as
to time of mar-
riage.

That from and after the passage of this Act the rate
 of pension for widows, minor children under the age of
 sixteen years, and helpless minors as defined by existing
 laws, now on the roll or hereafter to be placed on the
 pension roll and entitled to receive a less rate than here-
 inafter provided, shall be twelve dollars per month; and
 nothing herein shall be construed to affect the existing
 allowance of two dollars per month for each child under
 the age of sixteen years and for each helpless child; and
 all Acts or parts of Acts inconsistent with the provisions
 of this Act are hereby repealed: *Provided, however*, That
 this Act shall not be so construed as to reduce any pension
 under any act, public or private.

Act Apr. 19,
1908, 35 Stat. L.,
64, c. 147, sec. 1.
Pensions; in-
crease of, to wid-
ows, etc.

Rate per
month.

Proviso.
No reduction.

That if any officer or enlisted man who served ninety
 days or more in the Army or Navy of the United States
 during the late civil war and who has been honorably
 discharged therefrom has died or shall hereafter die,
 leaving a widow, such widow shall, upon due proof of her
 husband's death, without proving his death to be the
 result of his army or navy service, be placed on the
 pension roll from the date of the filing of her application
 therefor under this Act at the rate of twelve dollars per
 month during her widowhood, provided that said widow
 shall have married said soldier or sailor prior to June
 twenty-seventh, eighteen hundred and ninety; and the
 benefits of this section shall include those widows whose
 husbands if living would have a pensionable status under
 the Joint Resolutions of February fifteenth, eighteen hun-
 dred and ninety-five, July first, nineteen hundred and
 two, and June twenty-eighth, nineteen hundred and six.

Sec. 2, id.
Widows of sol-
diers who served
90 days, etc.

Death incident
to service not re-
quired.

Marriage prior
to June 27, 1890.

Additional
cases.

That no claim agent or attorney shall be recognized in
 the adjudication of claims under the first section of this

Sec. 3, id.
Attorneys, etc.,
fees restricted.

Act, and that no agent, attorney, or other person engaged in preparing, presenting, or prosecuting any claim under the provisions of the second section of this Act shall directly or indirectly, contract for, demand, receive, or retain for such services in preparing, presenting, or prosecuting such claim a sum greater than ten dollars, which sum shall be payable only upon the order of the Commissioner of Pensions by the pension agent making payment of the pension allowed; and any person who shall violate any of the provisions of this section or who shall wrongfully withhold from the pensioner or claimant the whole or any part of a pension or claim allowed or due such pensioner or claimant under this Act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall, for each and every such offense, be fined not exceeding five hundred dollars or be imprisoned at hard labor not exceeding two years, or both, in the discretion of the court.

Amount.

Penalty.

Act Mar. 3,
1899, 30 Stat. L.,
1379, c. 460, part.
Sec. 4766
amended.
Payment of
pension to wid-
ows; conditions as
to date of mar-
riage.

* * * *Provided further,* That hereafter no pension under any law of the United States shall be granted allowed, or paid to the widow of a soldier, sailor, officer naval or military, marine, marine officer, or any other male person entitled to a pension under any law of the United States, unless it shall be proved and established that the marriage of such widow to the soldier, sailor officer, marine, or other person on account of whose service the pension is asked, was duly and legally contracted and entered into prior to the passage of this Act, or unless such wife shall have lived and cohabited with such soldier, sailor, officer, marine, marine officer, or other person continuously from the date of the marriage to the date of his death, or unless the marriage shall take place hereafter and prior to or during the military or naval service of the soldier, sailor, officer, marine, or other person on account of whose service the pension is asked or claimed. This proviso shall not apply to or affect the widow of any soldier, sailor, marine, officer, or marine officer serving or who has served in the war between the United States and the Kingdom of Spain.

Provisions not
applicable to
Spanish War
claims.

Sec. 4704, R. S.
Legitimacy of
children.
Sec. 10, Mar. 3,
1873, 17 Stat. L.,
570.

In the administration of the pension laws children born before the marriage of their parents, if acknowledged by the father before or after the marriage, shall be deemed legitimate.

The widows of colored and Indian soldiers and sailors who have died, or shall hereafter die, by reason of wounds or injuries received, or casualty received, or disease contracted, in the military or naval service of the United States, and in the line of duty, shall be entitled to receive the pension provided by law without other evidence of marriage than satisfactory proof that the parties were joined in marriage by some ceremony deemed by them obligatory, or habitually recognized each other as man and wife, and were so recognized by their neighbors, and lived together as such up to the date of enlistment, when such soldier or sailor died in the service, or, if otherwise, to date of death; and the children born of any marriage so proved shall be deemed and held to be lawful children of such soldier or sailor, but this section shall not be applicable to any claims on account of persons who enlist after the third day of March, one thousand eight hundred and seventy-three.

Sec. 4705, R. S. Widows of colored and Indian soldiers entitled.

Sec. 11, Mar. 3, 1873, 17 Stat. L., 570; sec. 14, July 4, 1864, 13 Stat. L., 389; sec. 14, June 6, 1866, 14 Stat. L., 58; sec. 2, June 15, 1866, 14 Stat. L., 358.

Evidence of marriage.

Legitimacy of children.

If any person has died, or shall hereafter die, leaving a widow entitled to a pension by reason of his death and a child or children under sixteen years of age by such widow, and it shall be duly certified under seal by any court having probate jurisdiction, that satisfactory evidence has been produced before such court, upon due notice to the widow, that she has abandoned the care of such child or children, or that she is an unsuitable person, by reason of immoral conduct, to have the custody of the same, on presentation of satisfactory evidence thereof to the Commissioner of Pensions, no pension shall be allowed to such widow until such child or children shall have attained the age of sixteen years, any provisions of law to the contrary notwithstanding; and the said child or children shall be pensioned in the same manner, and from the same date, as if no widow had survived such person, and such pension shall be paid to the guardian of such child or children; but if in any case payment of pension shall have been made to the widow, the pension to the child or children shall commence from the date to which her pension has been paid.

Sec. 4706, R. S. Abandonment by widow of minor child or children forfeits pension.

Sec. 12, Mar. 3, 1873, 17 Stat. L., 570; sec. 11, June 6, 1866, 14 Stat. L., 58; sec. 8, July 27, 1868, 15 Stat. L., 236.

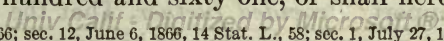
See act Aug. 7, 1882, 22 Stat. L., 345.

Date of commencement to minor.

If any person embraced within the provisions of sections forty-six hundred and ninety-two and forty-six hundred and ninety-three has died since the fourth day of March, eighteen hundred and sixty-one, or shall here-

Sec. 4707, R. S. Succession of dependent relatives.

Sec. 13, Mar. 3, 1873, 17 Stat. L., 571; secs. 3 and 4, July 14, 1862, 12



after die, by reason of any wound, injury, casualty, or disease, which under the conditions and limitations of such sections would have entitled him to an invalid pension, and has not left or shall not leave a widow or legitimate child, but has left or shall leave other relative or relatives who were dependent upon him for support, in whole or in part, at the date of his death, such relative or relatives shall be entitled, in the following order of precedence, to receive the same pension as such person would have been entitled to had he been totally disabled, to commence from the death of such person, namely: first, the mother; secondly, the father; thirdly, orphan brothers and sisters under sixteen years of age, who shall be pensioned jointly: *Provided*, That where orphan children of the same parent have different guardians, or a portion of them only are under guardianship, the share of the joint pension to which each ward shall be entitled shall be paid to the guardian of such ward: *Provided*, That if in any case said person shall have left father and mother who were dependent upon him, then, on the death of the mother, the father shall become entitled to the pension, commencing from and after the death of the mother; and upon the death of the mother and father, or upon the death of the father and the remarriage of the mother, the dependent brothers and sisters under sixteen years of age shall jointly become entitled to such pension until they attain the age of sixteen years respectively, commencing from the death or remarriage of the party who had the prior right to the pension: *Provided*, That a mother shall be assumed to have been dependent upon her son within the meaning of this section if, at the date of his death, she had no other adequate means of support than the ordinary proceeds of her own manual labor and the contributions of said son or of any other persons not legally bound to aid in her support; and if, by actual contributions, or in any other way, the son had recognized his obligations to aid in support of his mother, or was by law bound to such support, and that a father or minor brother or sister shall, in like manner and under like conditions, be assumed to have been dependent, except that the income which was derived or derivable from his actual or possible manual labor shall be taken into account in estimating a father's means of independent support: *Provided further*, That the pension allowed to any person on account of his or her dependence, as here-

Commence-
ment.

Orphan chil-
dren; different
guardians; rule
as to payment.

Commence-
ment.

Assumption of
dependence,
when.

Pension al-
lowed during
period of depend-
ence only.

inbefore provided, shall not be paid for any period during which it shall not be necessary as a means of adequate subsistence.¹

That in considering the pension claims of dependent parents, the fact of the soldier's death by reason of any wound, injury, casualty, or disease which, under the conditions and limitations of existing laws, would have entitled him to an invalid pension, and the fact that the soldier left no widow or minor children having been shown as required by law, it shall be necessary only to show by competent and sufficient evidence that such parent or parents are without other present means of support than their own manual labor or the contributions of others not legally bound for their support: *Provided*, That all pensions allowed to dependent parents under this act shall commence from date of the filing of the application hereunder and shall continue no longer than the existence of the dependence.

Act June 27, 1890, 26 Stat. L., 182, c. 634, sec. 1. Dependent parents.

Commencement of pension; continuance.

That the twenty-third day of March, eighteen hundred and eighty-two, being the date of finding the remains of the commanding officer and others of the said expedition, shall be deemed and taken to be the date of the decease of the following-named officers and enlisted men of the expedition who lost their lives in the retreat from the wreck of the said steamer *Jeannette*, namely: Lieutenant-Commander George W. De Long; Lieutenant Charles W. Chipp; Passed Assistant Surgeon James M. Ambler; Jerome J. Collins, meteorologist; William Dunbar, ice-pilot; Walter Lee, machinist; Henrich H. Kaack, Carl A. Gortz, Adolph Dressler, Hans H. Erichsen, Ah Sam, Alfred Sweetman, Henry D. Warren, Peter E. Johnson, Edward Star, and Albert G. Kuehne, seamen; Nelse Iverson, George W. Boyd, and Walter Sharvill, coal-heavers; and seaman Alexy.

Act Jan. 3, 1887, 24 Stat. L., 883, c. 18, sec. 2.

Date of decease of officers, etc.; lost in wreck of steamer *Jeannette* to be deemed Mar. 23, 1882.

* * * *Provided further*, That in any case where heretofore a pension has been granted, or may hereafter in fact be granted, to any such widow, child, or dependent parent, by reason of the death of any of the persons named in the second section of this act, in the payment of such pension account shall be taken of any sum paid under this act, and to the extent of its amount said sum shall be in lieu and stead of such pension, and no further.

Sec. 3, id., part. Twelve months' pay appropriated in this act to be deducted from pension granted to widow or minor.

¹ See sec. 1, act June 27, 1890, next below.

Act Jan. 29,
1887, 24 Stat. L.,
891, c. 74, sec. 2,
part.

One year's sea
pay to widows or
minors of de-
ceased men of the
U. S. S. *Ashuelot*.

Amount to be
deducted from
pension.

That the widow, child, or children, or in case there be not such, then the surviving parent or parents of those in the service who were lost in the wreck of the United States steamer *Ashuelot*, namely: William Gronan, seaman; George Valentine, captain of the hold; Fritz Rackenbach, quartermaster; William Bronson, landsman; Saint Leger Crone, quarter-gunner; Ah Kid, painter; Sun Shing, carpenter's mate; George Ashton, carpenter; Ah Yoo, landsman; Andrew Scotland, private marine; and Benjamin H. Wohlrab, landsman, shall be entitled to and receive, out of any money in the Treasury of the United States not otherwise appropriated, as follows, to wit: The relatives, in the order named, of the persons connected with the United States steamer *Ashuelot* hereinafter referred to, a sum equal to twelve months' sea-pay of each person lost: *Provided*, That in any case where heretofore a pension has been granted, or may hereafter in fact be granted, to any such widow, child, or dependent parent by reason of the death of any of the persons named in this section, in the payment of such pension account shall be taken of any sum paid as above provided, and to the extent of its account said sum shall be in lieu and stead of such pension, and no further: * * *

Act Mar. 30,
1898, 30 Stat. L.,
346, c. 103, sec. 4,
part.

Commence-
ment of pension
arising out of de-
struction of U. S.
S. *Maine*.

* * * *Provided*, That nothing herein shall affect the right of any of the beneficiaries under this Act to any pension to which they may be entitled under existing law after the expiration of one year from said fifteenth day of February, eighteen hundred and ninety-eight.

Sec. 4708, R. S.
Remarriage.

Sec. 14, Mar. 3,
1873, 17 Stat. L.,
571; secs. 2 and 3,
July 14, 1862, 12
Stat. L., 566; sec.
7, July 4, 1864, 13
Stat. L., 388; sec.
6, July 25, 1866, 14
Stat. L., 231; sec.
10, July 27, 1868,
15 Stat. L., 237.

The remarriage of any widow, dependent mother, or dependent sister, entitled to pension, shall not bar her right to such pension to the date of her remarriage, whether an application therefor was filed before or after such marriage; but on the remarriage of any widow, dependent mother, or dependent sister, having a pension, such pension shall cease.

Act Mar. 3,
1901, 31 Stat. L.,
1445, c. 865, sec. 1.

Sec. 4708, R. S.,
amended.

See act Feb. 23,
1903, 32 Stat. L.,
920.

That section forty-seven hundred and eight of the laws of the United States governing the granting of army and navy pensions be, and the same is, amended to read as follows:

Pension of
widow, depend-
ent mother, etc.,
ceases on remar-
riage.

The remarriage of any widow, dependent mother, or dependent sister entitled to pension shall not bar her right to such pension to the date of her remarriage, whether an

application therefor was filed before or after such marriage; but on the remarriage of any widow, dependent mother, or dependent sister having a pension, such pension shall cease: *Provided, however,* That any widow who was the lawful wife of any officer or enlisted man in the Army, Navy, or Marine Corps of the United States, during the period of his service in any war, and whose name was placed or shall hereafter be placed on the pension roll because of her husband's death as the result of wound or injury received or disease contracted in such military or naval service, and whose name has been or shall hereafter be dropped from said pension roll by reason of her marriage to another person who has since died or shall hereafter die, or from whom she has been heretofore or shall be hereafter divorced, upon her own application and without fault on her part, and if she is without means of support other than her daily labor as defined by the Acts of June twenty-seventh, eighteen hundred and ninety, and May ninth, nineteen hundred, shall be entitled to have her name again placed on the pension roll at the rate now provided for widows by the Acts of July fourteenth, eighteen hundred and sixty-two, March third, eighteen hundred and seventy-three, and March nineteenth, eighteen hundred and eighty-six, such pension to commence from the date of the filing of her application in the Pension Bureau after the approval of this Act: ¹

Pension restored to widows on renewed widowhood (by death or divorce), provided—

Commencement of pension.

And provided further, That where such widow is already in receipt of a pension from the United States she shall not be entitled to restoration under this Act: *And provided further,* That where the pension of said widow on her second or subsequent marriage has accrued to a helpless or idiotic child, or a child or children under the age of sixteen years, she shall not be entitled to restoration under this Act unless said helpless or idiotic child, or child or children under sixteen years of age, be then a member or members of her family and cared for by her, and upon the restoration of said widow the payment of pension to said child or children shall cease.²

Not restored if drawing pension.

—if pension has accrued to minor or helpless child no title, unless.

No claim agent or other person shall be entitled to receive any compensation for services in making application for pension under this Act.

Sec. 2, Id. No attorney fee.

¹ Right of election under sec. 4715, however, exists. 13 P. D., 378.

² See act Feb. 28, 1903, following, for amendment.

Act Feb. 23,
1903, 32 Stat. L.,
920, c. 858, sec. 1.
Widows' pen-
sion; remarriage.

That section forty-seven hundred and eight of the laws of the United States governing the granting of army and navy pensions, be, and the same is, amended to read as follows:

Sec. 4708
amended.
Pension dur-
ing widowhood—
cessation on re-
marriage.

“SEC. 4708. The remarriage of any widow, dependent mother, or dependent sister entitled to pension shall not bar her right to such pension to the date of her remarriage, whether an application therefor was filed before or after such marriage; but on the remarriage of any widow, dependent mother, or dependent sister having a pension such pension shall cease: *Provided, however,* That any widow who was the lawful wife of any officer or enlisted man or other person in the Army, Navy, or Marine Corps of the United States, as described in paragraphs one, two, and three of section forty-six hundred and ninety-three of the Revised Statutes of the United States, during the period of his service in any war, and whose name was placed or shall hereafter be placed on the pension roll because of her husband's death as the result of wound or injury received or disease contracted in such military or naval service, and whose name has been or shall hereafter be dropped from said pension roll by reason of her marriage to another person who has since died or shall hereafter die, or from whom she has been heretofore or shall be hereafter divorced, upon her own application and without fault on her part, and if she is without means of support other than her daily labor, as

Restoration on
renewed widow-
hood. Sec. 4693.

defined by the Acts of June twenty-seventh, eighteen hundred and ninety, and May ninth, nineteen hundred, shall be entitled to have her name again placed on the pension roll at the rate now provided for widows by the Acts of July fourteenth, eighteen hundred and sixty-two, March third, eighteen hundred and seventy-three, and March nineteenth, eighteen hundred and eighty-six, such pen-

Acts June 27,
1890, 26 Stat. L.,
182; May 9, 1900,
31 Stat. L., 170;
July 14, 1862, 12
Stat. L., 567; Mar.
3, 1873, 17 Stat.
L., 569; Mar. 19,
1886, 24 Stat. L., 5.

Rate.

Commencement
of pension.

Not restored
if drawing pen-
sion.

When not en-
titled to restora-
tion; minors'
title.

sion to commence from the date of the filing of her application in the Pension Bureau after the approval of this Act: *And provided further,* That where such widow is already in receipt of a pension from the United States she shall not be entitled to restoration under this Act: *And provided further,* That where the pension of said widow on her second or subsequent marriage has accrued to a helpless or idiotic child, or a child or children under the age of sixteen years, she shall not be entitled to restoration under this Act unless said helpless or idiotic child,

or child or children under sixteen years of age, be then a member or members of her family and cared for by her, and upon the restoration of said widow the payment of pension to said child or children shall cease.”

That the provisions of this act shall be extended to those widows otherwise entitled whose husbands died of wounds, injuries, or disease contracted during the period of their military or naval service, but who were deprived of pension under the Act of March third, eighteen hundred and sixty-five, because of their failure to draw any pension by reason of their remarriage.

Sec. 2, id.
Widows barred
by act Mar. 3,
1865, 13 Stat. L.,
499, entitled.

That no claim agent or other person shall be entitled to receive any compensation for services in making application for pension under this Act.

Sec. 3, id.
No attorneys'
fee allowed.

That in considering claims filed under the pension laws, the death of an enlisted man or officer shall be considered as sufficiently proved if satisfactory evidence is produced establishing the fact of the continued and unexplained absence of such enlisted man or officer from his home and family for a period of seven years, during which period no intelligence of his existence shall have been received.¹ And any pension granted under this Act shall cease upon proof that such officer or enlisted man is still living.

Act Mar. 13,
1896, 29 Stat. L.,
57, c. 54.
Death pre-
sumed from ab-
sence.

Pension ceases,
when.

No pension shall be granted to a widow for the same time that her husband received one.

Sec. 4735, R. S.
Time for which
pension.
a widow shall not receive a
Act Apr. 30, 1844, 5 Stat. L., 657. See res-
olution Jan. 23, 1845, 5 Stat. L., 796.

¹ Accrued pension; invalid claims. 12 P. D., 208.

of a child or children under sixteen years of age, by the
 mother or mother-in-law, or by the father or father-in-law,
 and upon the conviction of such person the parent or
 person to said child or children shall be
 That the provisions of this act shall be extended to
 those persons who are entitled to have custody of the
 child, in cases in which the child is being held by the
 father or mother or other person, but who were denied
 of custody under the Act of March, third, eighteen hun-
 dred and six, the persons of their blood to have any
 person by reason of their relationship.

That no other person or other person shall be entitled to
 custody of any child or children under the provisions of
 this act under the Act of March, third, eighteen hun-

That no other person or other person shall be entitled to
 custody of any child or children under the provisions of
 this act under the Act of March, third, eighteen hun-
 dred and six, the persons of their blood to have any
 person by reason of their relationship.

That no other person or other person shall be entitled to
 custody of any child or children under the provisions of
 this act under the Act of March, third, eighteen hun-

That no other person or other person shall be entitled to
 custody of any child or children under the provisions of
 this act under the Act of March, third, eighteen hun-
 dred and six, the persons of their blood to have any
 person by reason of their relationship.

Chapter V.

NAVY AND PRIVATEER PENSION FUND.

SEC. 4750, R. S. Secretary of the Navy to be trustee of the Navy pension fund.
SEC. 4751, R. S. Creation of the Navy pension fund.
SEC. 4752, R. S. Creation of the Navy pension fund.
SEC. 4753, R. S. Investment of the Navy pension fund.
SEC. 4754, R. S. Rate of interest on Navy pension fund.
SEC. 4755, R. S. Navy pensions payable from fund.
SEC. 4756, R. S. Half rating to disabled enlisted persons serving 20 years in Navy or Marine Corps.
SEC. 4757, R. S. Disabled enlisted persons entitled to receive aid after 10 years' service.

SEC. 4758, R. S. Secretary of the Navy to be trustee of the privateer pension fund.
SEC. 4759, R. S. Privateer pension fund, how derived.
SEC. 4760, R. S. Privateer pension fund to be paid into the Treasury.
SEC. 4761, R. S. Wounded privateersmen to be placed on the pension list.
SEC. 4762, R. S. Commanding officers of privateers to enter names, etc., in a journal.
SEC. 4763, R. S. Transcript of journal to be transmitted to the Secretary of the Navy.

The Secretary of the Navy shall be trustee of the Navy pension-fund. Sec. 4750, R. S. Secretary of the Navy shall be trustee of Navy pension fund. Sec. 1, July 10, 1832, 4 Stat. L., 572.

All penalties and forfeitures incurred under the provisions of sections twenty-four hundred and sixty-one, twenty-four hundred and sixty-two, twenty-four hundred and sixty-three, title "THE PUBLIC LANDS," shall be sued for, recovered, distributed, and accounted for under the directions of the Secretary of the Navy, and shall be paid over, one-half to the informers, if any, or captors, where seized, and the other half to the Secretary of the Navy for the use of the Navy pension-fund; and the Secretary is authorized to mitigate, in whole or in part, on such terms and conditions as he deems proper, by an order in writing, any fine, penalty, or forfeiture so incurred.¹ Sec. 4751, R. S. Penalties; how to be sued for, etc. Sec. 3, Mar. 2, 1831, 4 Stat. L., 472.

All money accruing or which has already accrued to the United States from sale of prizes shall be and remain forever a fund for the payment of pensions to the officers, seamen, and marines who may be entitled to receive the same; and if such fund be insufficient for the purpose, the public faith is pledged to make up the deficiency; but if it should be more than sufficient, the surplus shall Sec. 4752, R. S. Prize money accruing to the United States to remain a fund for pensions. Sec. 11, July 17, 1862, 12 Stat. L., 607.

¹ See act June 3, 1878, 20 Stat. L., 90, c. 51, sec. 5. *soft* ®

be applied to the making of further provision for the comfort of the disabled officers, seamen, and marines.

Sec. 4753, R. S.
Navy pension
fund; how to be
invested.

Resolution
July 1, 1864, 13
Stat. L., 414.

The Secretary of the Navy, as trustee of the naval pension fund, is directed to cause to be invested in the registered securities of the United States, on the first day of January and the first day of July of each year, so much of such fund then in the Treasury of the United States as may not be required for the payment of naval pensions for the then current fiscal year; and upon the requisition of the Secretary, so much of the fund as may not be required for such payment of pensions accruing during the current fiscal year shall be held in the Treasury on the days above named in each year, subject to his order, for the purpose of such immediate investment; and the interest payable in coin upon the securities in which the fund may be invested, shall be so paid, when due, to the order of the Secretary of the Navy, and he is authorized and directed to exchange the amount of such interest when paid in coin, for so much of the legal currency of the United States as may be obtained therefor at the current rates of premium on gold, and to deposit the interest so converted in the Treasury to the credit of the naval pension-fund; but nothing herein contained shall be construed to interfere with the payment of naval pensions under the supervision of the Secretary of the Interior as regulated by law.

Sec. 4754, R. S.
Rate of interest
on naval pension
fund.

Sec. 2, July 23, 1868, 15 Stat. L., 170.

Sec. 4755, R. S.
Navy pensions
payable from
fund.

Act July 11,
1870, 16 Stat. L.,
222.

Sec. 4756, R. S.
Half rating to
disabled enlisted
persons serving
20 years in Navy
or Marine Corps.

Act Mar. 2,
1867, 14 Stat. L.,
516, and amend-
ment of Dec. 23,
1886, 24 Stat. L.,
353.

The interest on the naval pension-fund shall hereafter be at the rate of three per centum per annum in lawful money.

The Navy pensions shall be paid from the Navy pension-fund, but no payments shall be made therefrom except upon appropriations authorized by Congress.

There shall be paid out of the naval pension fund to every person who, from age or infirmity, is disabled from sea service, but who has served as an enlisted person, or as an appointed petty officer, or both, in the Navy or Marine Corps for the period of twenty years, and not been discharged for misconduct, in lieu of being provided with a home in the Naval Asylum, Philadelphia, if he so elects, a sum equal to one-half the pay of his rating at the time he was discharged, to be paid to him quarterly, under the direction of the Commissioner of Pensions; and applications for such pension shall be made to the Secretary of the Navy, who, upon being satisfied that

Application to
be filed with Sec-
retary of Navy.

the applicant comes within the provisions of this section, shall certify the same to the Commissioner of Pensions, and such certificate shall be his warrant for making payment as herein authorized.¹

Every disabled person who has served in the Navy or Marine Corps as an enlisted man, or as an appointed petty officer, or both, for a period not less than ten years, and not been discharged for misconduct, may apply to the Secretary of the Navy for aid from the surplus income of the naval pension-fund; and the Secretary of the Navy is authorized to convene a board of not less than three naval officers, one of whom shall be a surgeon, to examine into the condition of the applicant, and to recommend a suitable amount for his relief, and for a specified time, and upon the approval of such recommendation by the Secretary of the Navy, and a certificate thereof to the Commissioner of Pensions, the amount shall be paid in the same manner as is provided in the preceding section for the payment to persons disabled by long service in the Navy; but no allowance so made shall exceed the rate of a pension for full disability corresponding to the grade of the applicant, nor, if in addition to a pension, exceed one-fourth the rate of such pension.²

The Secretary of the Navy shall be trustee of the privateer pension-fund.

Two per centum on the net amount, after deducting all charges and expenditures, of the prize money arising from captured vessels and cargoes, and on the net amount of the salvage of vessels and cargoes recaptured by the private armed vessels of the United States, shall be secured and paid over to the collector or other chief officer of the customs at the port or place in the United States at which such captured or recaptured vessels may arrive; or to the consul or other public agent of the United States residing at the port or place, not within the United States, at which such captured or recaptured vessel may arrive. And the moneys arising therefrom are pledged by the Government of the United States as a fund for

Sec. 4757, R. S.
Serving not less than 10 years, may receive what aid.
Proviso, act Mar. 2, 1867, 14 Stat. L., 516.
Section now reads as amended by act Dec. 23, 1886, 24 Stat. L., 353.

Sec. 4758, R. S.
Secretary of Navy trustee of privateer pension fund.
Secs. 3 and 5, July 10, 1832, 4 Stat. L., 572.

Sec. 4759, R. S.
Privateer pension fund; how derived.
Sec. 17, June 26, 1812, 2 Stat. L., 763.

¹ See note under sec. 4757, R. S.

² Secs. 4756 and 4757, R. S., as amended by act Dec. 23, 1886, 24 Stat. L., 353, c. 9 (as construed by Secretary of the Interior, 12 P. D., 166), grant money benefits over the allowance of which the Commissioner of Pensions has no jurisdiction, and are intended to be a further provision for the support of the beneficiaries thereunder in addition to the pension granted by the pension laws. Sec. 4715, R. S., and proviso of second section of act June 27, 1890, have no application to this class of cases.

the support and maintenance of the widows and orphans of such persons as may be slain, and for the support and maintenance of such persons as may be wounded and disabled on board of the private armed vessels of the United States in any engagement with the enemy, to be assigned and distributed in such manner as is or may be provided by law.

Sec. 4760, R. S.
To be paid into
Treasury, etc.
Sec. 1, Feb. 13,
1813, 2 Stat. L.,
799.

The two per centum reserved in the hands of the collectors and consuls by the preceding section, shall be paid to the Treasury, under the like regulations provided for other public money, and shall constitute a fund for the purposes provided for by that section.

Sec. 4761, R. S.
Wounded, etc.,
privateersmen to
be placed on pen-
sion list.
Sec. 2, Feb. 13,
1813, 2 Stat. L.,
799; Aug. 2, 1813,
3 Stat. L., 86.

The Secretary of the Interior is required to place on the pension-list, under the like regulations and restrictions as are used in relation to the Navy of the United States, any officer, seaman, or marine, who, on board of any private armed vessel bearing a commission of letter of marque, shall have been wounded or otherwise disabled in any engagement with the enemy, or in the line of their duty as officers, seamen, or marines of such private armed vessel; allowing to the captain a sum not exceeding twenty dollars per month; to lieutenants and sailing-master a sum not exceeding twelve dollars each per month; to marine officer, boatswain, gunner, carpenter, master's mate, and prize masters a sum not exceeding ten dollars each per month; to all other officers a sum not exceeding eight dollars each per month, for the highest rate of disability, and so in proportion; and to a seaman, or acting as a marine, the sum of six dollars per month, for the highest rate of disability, and so in proportion; which several pensions shall be paid from moneys appropriated for the payment of pensions.

Sec. 4762, R. S.
C o m m a n d i n g
officers of priva-
teers to enter
names, etc., in a
journal.
Sec. 3, Feb. 13,
1813, 2 Stat. L.,
800.

The commanding officer of every vessel having a commission, or letters of marque and reprisal, shall enter in his journal the name and rank of any officer, and the name of any seaman, who, during his cruise, is wounded or disabled, describing the manner and extent, as far as practicable, of such wound or disability.

Sec. 4763, R. S.
Transcript of
journals to be
transmitted to
Secretary of the
Navy.

Sec. 4, Feb. 13,
1813, 2 Stat. L.,
800.

Every collector shall transmit quarterly to the Secretary of the Navy a transcript of such journals as may have been reported to him, so far as it gives a list of the officers and crew, and the description of wounds and disabilities, the better to enable the Secretary to decide on claims for pensions.

Chapter VI.

APPLICATIONS AND ATTORNEYS.

SEC. 4748, R. S. Commissioner of Pensions to furnish printed instructions and forms without charge.

SEC. 4714, R. S. Declarations, how executed.

ACT JULY 1, 1890. Oaths to declarations, vouchers, etc., may be taken before officer authorized to administer for general purposes.

JOINT RESOLUTION SEPT. 1, 1890. Oaths, etc.; certificates of official character, etc.

ACT JULY 26, 1892. Declarations, etc., before whom executed.

SEC. 1778, R. S. Oaths, etc., before United States commissioners.

ACT JUNE 28, 1906. United States commissioners to have seal.

SEC. 2064, R. S. Indian agents authorized to take acknowledgments in certain cases.

SEC. 4721, R. S. Indian claims for pension, before whom executed.

ACT APR. 5, 1906, SEC. 5. Consular officers required to administer oaths, etc.

ACT APR. 5, 1906, SEC. 10. Consular officer must affix stamp to document executed before him, otherwise paper is invalid.

SEC. 190, R. S. Persons formerly in departments not to prosecute claims against the United States until after two years from separation from service.

ACT JUNE 29, 1906. Notaries public in the District of Columbia not disqualified from prosecuting claims against the United States.

SEC. 3478, R. S. Oath to be taken by agent or attorney.

SEC. 3479, R. S. Who may administer oath to attorney.

ACT MAR. 4, 1911. Secretary of the Interior to pay expenses of securing and preparing testimony relative to disbarment proceedings.

SEC. 4768, R. S. Commissioner of Pensions to transmit pension certificate and one of the articles of agreement to pension agent, etc.

SEC. 4769, R. S. Pension agent's duty on receipt of agreement.

ACT JULY 4, 1884. Attorney fee in pension claims.

ACT MAR. 3, 1891. Attorney fee in increase and special act claims.

ACT MAY 28, 1908. No fee allowed for services in connection with securing pension by special act of Congress.

ACT JUNE 27, 1890, SEC. 4. Attorney fee limited to \$10 in claims under said act.

ACT APR. 19, 1908, SEC. 3. Attorney fee limited to \$10 in claims under section 2 of said act.

ACT AUG. 5, 1892, SEC. 2. No fee to be paid to attorney in cases under this act.

ACT JULY 4, 1884, PART. No fee allowed for securing arrears of pension.

ACT MAR. 19, 1886, SEC. 2. No fee allowed in claims under this act.

ACT MAR. 3, 1901, SEC. 2. Attorney fee prohibited in claims of remarried widows.

ACT FEB. 28, 1903, SEC. 3. Attorney fee prohibited in claims under this act.

ACT FEB. 6, 1907, SEC. 3. Attorneys not entitled to compensation for services rendered in claims under this act.

ACT JUNE 27, 1902. Fee contracts made prior to passage of this act by prospective beneficiaries thereunder are null and void.

ACT MAY 30, 1908. Contracts with attorneys, etc., made prior to passage of this act are null and void.

TABLE OF ATTORNEY FEES.

ATTORNEYS, RULES OF PRACTICE BEFORE THE BUREAU OF PENSIONS.

RULES OF PRACTICE IN APPEAL CASES BEFORE THE SECRETARY OF THE INTERIOR.

That the Commissioner of Pensions, on application being made to him in person, or by letter, by any claimant or applicant for pension, bounty-land, or other allowance required by law to be adjusted or paid by the Pension-Office, shall furnish such person, free of all expense, all such printed instructions and forms as may be neces-

Sec. 4748, R. S. Commissioner to furnish printed instructions free of charge.

Sec. 22, act Mar. 3, 1873, 17 Stat. L., 573; sec. 9, act July 14, 1862, 12 Stat. L., 569.

sary in establishing and obtaining said claim; and on the issuing of a certificate of pension or of a bounty-land warrant he shall forthwith notify the claimant or applicant, and also the agent or attorney in the case, if there be one, that such certificate has been issued, or allowance made, and the date and amount thereof.

Sec. 4714, R. S.
Declaration of
claimants.

Declarations of pension claimants shall be made before a court of record, or before some officer thereof having custody of its seal, said officer hereby being fully authorized and empowered to administer and certify any oath or affirmation relating to any pension or application therefor: *Provided*, That the Commissioner of Pensions may designate, in localities more than twenty-five miles distant from any place at which such court is holden, persons duly qualified to administer oaths, before whom declarations may be made and testimony taken, and may accept declarations of claimants residing in foreign countries, made before a United States minister or consul, or before some officer of the country duly authorized to administer oaths for general purposes, and whose official character and signature shall be duly authenticated by the certificate of a United States minister or consul; declarations in claims of Indians made before a United States agent; and declarations in claims under the provisions of this Title relating to pensions for services in the war of eighteen hundred and twelve, made before an officer duly authorized to administer oaths for general purposes, when the applicants, by reason of infirmity of age, are unable to travel: *Provided*, That any declaration made before an officer duly authorized to administer oaths for general purposes shall be accepted to exempt a claim from the limitation as to date of filing prescribed in section forty-seven hundred and nine.

Act July 1, 1890,
26 Stat. L., 209, c.
646.

Oaths in pension, etc., cases.

Sec. 4714, R. S., amended.

May be taken before authorized officer.

That any and all affidavits and declarations to be hereafter made or used in any pension or bounty cases, or in claims against the Government for back pay or arrears or increase of pension, or for quarterly vouchers, may be taken by any officer authorized to administer oaths for general purposes in the State, City, or county where said officer resides. If such officer has a seal and uses it upon such paper, no certificate of a county clerk, or prothonotary, or clerk of a court shall be necessary; but when no seal is used by the officer taking such affidavit, then a clerk of a court of record, or a county or city clerk, shall

Certification, etc., by county clerk, etc.

affix his official seal thereto, and shall certify to the signature and official character of said officer.

That the act approved July first, eighteen hundred and ninety, entitled "An act in relation to oaths in pension and other cases," be, and the same is hereby, amended and contrued to mean that when declarations, affidavits, and other papers are verified by justices of the peace and other officers duly authorized by law to administer oaths for general persons (*sic*), but not required by law to have seals, the official character, signature, and term of service of such justice or other officer shall be certified by the clerk of the county or court of record or other proper officer, under the seal of such county or court or public officer in the department or bureau in which such papers are to be used; and one such certificate duly filed in such department or bureau, or with any pension agent, shall be sufficient as to all verifications of such officer during his official term, and all papers heretobefore or hereafter filed shall be subject to this rule.

Joint resolution
Sept. 1, 1890, 26
Stat. L., 679, c.
43.
Oaths in pension
cases.

Certificate of
official character,
etc.

One sufficient.

That declarations of pension claimants shall be made before a court of record, or before some officer thereof having custody of its seal, or before some officer who, under the laws of his State, city or county, has authority to administer oaths for general purposes; and said officers are hereby fully authorized and empowered to administer and certify any oath or affirmation relating to any pension or application therefor: *Provided*, That where such declaration or other papers are executed before an officer authorized as above, but not required by the laws of his State to have and use a seal to authenticate his official acts, he shall file in the Pension Bureau a certificate of his official character, showing his official signature and term of office, certified by a clerk of a court of record or other proper officer of the State as to the genuineness thereof; and when said certificate has been filed in the Bureau of Pensions his own certificate will be recognized during his term of office.

Act July 26,
1892, 27 Stat. L.,
272, c. 255, sec. 1.
Declarations
and other papers
in pension claims,
before whom executed.

Officers not re-
quired to use a
seal to file a cer-
tificate of official
character.

That the Commissioner of Pensions may accept declarations and other papers of claimants residing in foreign countries made before a United States minister or consul or other consular officer, or before some officer of the country duly authorized to administer oaths for general purposes, and whose official character and signature shall be duly authenticated by the certificate of a United States

Sec. 2, id.
Pension papers
executed in fore-
ign countries.
See sec. 1750,
R. S.

Declarations
in claims of In-
dians.

minister or consul or other consular officer; and declarations in claims of Indians may be made before a United States Indian agent.

Sec. 3, id.
Declaration
and affidavits ex-
ecuted under for-
mer acts made
good.

That any and all declarations or affidavits now on file in the Pension Bureau which are considered informal by reason of not having been executed in conformity to the laws heretofore in force covering such, and in which it is shown or may be hereafter shown by proper evidence that the same were executed by and before an officer who was duly authorized to administer oaths for general purposes at said date of execution, shall be accepted as formal as from date of filing such declarations or affidavits.

Sec. 4, id.
Repeal.

That all acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

Sec. 1778, R. S.
Oaths or ac-
knowledgments
made before
United States cir-
cuit court com-
missioners.

In all cases in which, under the laws of the United States, oaths or acknowledgments may now be taken or made before any justice of the peace of any State or Territory, or in the District of Columbia, they may hereafter be also taken or made by or before any notary public duly appointed in any State, district, or Territory, or any of the commissioners of the circuit courts,¹ and, when certified under the hand and official seal of such notary or commissioner, shall have the same force and effect as if taken or made by or before such justice of the peace.

Act June 28,
1906, 34 Stat. L.,
546, c. 3573.
United States
courts.
Seal of commis-
sioners, use of.
Fees.

That each United States commissioner shall provide himself with an official impression seal, to be prescribed by the Attorney General, which said seal shall be affixed to each jurat or certificate of the official acts of said commissioner, but no increase of fees shall be allowed by reason thereof.

Sec. 2064, R. S.
Acknowledge-
ment of deeds,
etc., by agents.
Mar. 3, 1855, c.
204, sec. 10, v. 10,
p. 701.

Indian agents are authorized to take acknowledgments of deeds, and other instruments of writing, and to administer oaths in investigations committed to them in Indian country, pursuant to such rules and regulations as may be prescribed for that purpose, by the Secretary of the Interior; and acknowledgments so taken shall have the same effect as if taken before a justice of the peace.

Sec. 4721, R. S.
Indians' claims.
Sec. 23, Mar. 3,
1873, 17 Stat. L.,
574.

The term of limitation prescribed by sections forty-seven hundred and nine and forty-seven hundred and seventeen shall, in pending claims of Indians, be extended

¹ Office of commissioners of circuit courts abolished, and United States commissioners created by section 19, act approved May 28, 1896, Stat. L., 184, c. 252. Digitized by Microsoft®

to two years from and after the third day of March, eighteen hundred and seventy-three;¹ all proof which has heretofore been taken before an Indian agent, or before an officer of any tribe, competent according to the rules of said tribe to administer oaths, shall be held and regarded by the Pension-Office, in the examining and determining of claims of Indians now on file, as of the same validity as if taken before an officer recognized by the law at the time as competent to administer oaths; all proof wanting in said claims hereafter, as well as in those filed after the third day of March, eighteen hundred and seventy-three, shall be taken before the agent of the tribe to which the claimants respectively belong; in regard to dates, all applications of Indians now on file shall be treated as though they were made before a competent officer at their respective dates, and if found to be in all other respects conclusive, they shall be allowed; and Indians shall be exempted from the obligation to take the oath to support the Constitution of the United States.

Proof.

Before whom
executed.
See act July 26,
1892.

That every consular officer of the United States is hereby required, whenever application is made to him therefor, within the limits of his consulate, to administer or take from any person any oath, affirmation, affidavit, or deposition, and to perform any other notarial act which any notary public is required or authorized by law to do within the United States; and for every such notarial act performed he shall charge in each instance the appropriate fee prescribed by the President under section seventeen hundred and forty-five, Revised Statutes.

Act Apr. 5, 1906,
34 Stat. L., 99, c.
1366, sec. 7.
Notarial acts re-
quired.

That every consular officer shall be provided and kept supplied with adhesive official stamps, on which shall be printed the equivalent money value of denominations and to amounts to be determined by the Department of State, and shall account quarterly to the Department of State for the use of such stamps and for such of them as shall remain in his hands.

Fees.
Sec. 1745, R. S.

Sec. 10, id.
Consulates to
be supplied with
documentary
stamps.

Whenever a consular officer is required or finds it necessary to perform any consular or notarial act he shall prepare and deliver to the party or parties at whose instance such act is performed a suitable and appropriate document as prescribed in the consular regulations and affix thereto and duly cancel an adhesive stamp or stamps

To be affixed to
documents re-
quiring notarial,
etc., acts.

¹ Sections 4709 and 4717 repealed by acts Jan. 25 and Mar. 3, 1879, pp. 58 and 59, respectively.

Unstamped
documents in-
valid.

of the denomination or denominations equivalent to the fee prescribed for such consular or notarial act, and no such act shall be legally valid within the jurisdiction of the Government of the United States unless such stamp or stamps is or are affixed and canceled.

Sec. 190, R. S.
Persons for-
merly in the de-
partments not to
prosecute claims
in them.

Sec. 1, June 1,
1872, 17 Stat. L.,
202.

It shall not be lawful for any person appointed after the first day of June, one thousand eight hundred and seventy-two, as an officer, clerk, or employé in any of the Departments, to act as counsel, attorney, or agent for prosecuting any claim against the United States which was pending in either of said Departments while he was such officer, clerk, or employé; nor in any manner nor by any means to aid in the prosecution of any such claim within two years next after he shall have ceased to be such officer, clerk, or employé.

Act June 29,
1906, 34 Stat. L.,
622, c. 3616.
Sec. 558, D. C.
Code.

That section five hundred and fifty-eight¹ of the Code of Law for the District of Columbia, relating to notaries public, be amended by adding at the end of said section the following: "*Provided*, That the appointment of any person as such notary public, or the acceptance of his commission as such, or the performance of the duties thereunder, shall not disqualify or prevent such person from representing clients before any of the departments of the United States Government in the District of Columbia or elsewhere, provided such person so appointed as a notary public who appears to practice or represent clients before any such Department is not otherwise engaged in Government employ, and shall be admitted by the heads of such Departments to practice therein in accordance with the rules and regulations prescribed for other persons or attorneys who are admitted to practice therein: *And provided further*, That no notary public shall be authorized to take acknowledgments, administer oaths, certify papers, or perform any official acts in connection with matters in which he is employed as counsel, attorney, or agent or in which he may be in any way interested before any of the Departments aforesaid."

Notaries public
in District of Co-
lumbia not pro-
hibited from prac-
ticing before ex-
ecutive depart-
ments.

Proviso.

Not to take ac-
knowledgments,
etc., in cases
where interested.

Sec. 3478, R. S.
Oaths by per-
sons prosecuting
claims.
Act July 17,
1862, 12 Stat. L.,
610.

Any person prosecuting claims, either as attorney or on his own account, before any of the Departments or Bureaus of the United States, shall be required to take the oath of allegiance, and to support the Constitution

¹ Sec. 558, Notaries.—The President shall also have power to appoint such number of notaries public, residents of said District, as, in his discretion, the business of the District may require. (Code of Law, D. C.

of the United States, as required of persons in the civil service.¹

The oath provided for in the preceding section may be taken before any justice of the peace, notary public, or other person who is legally authorized to administer an oath in the State or district where the same may be administered.

Expenses of testimony in disbarment proceedings: For actual and necessary expenses to enable the Secretary of the Interior to take testimony, and prepare the same, in connection with disbarment proceedings instituted against persons charged with improper practices before the Department of the Interior, its bureaus and offices, one thousand dollars, or so much thereof as may be necessary.²

The Commissioner of Pensions shall forward the certificate of pension, granted in any case, to the agent for paying pensions where such certificate is made payable, and at the same time forward therewith one of the articles of agreement filed in the case and approved by the Commissioner, setting forth the fee agreed upon between the claimant and the attorney or agent, and where no agreement is on file, as hereinbefore provided, he shall direct that a fee of ten dollars only be paid the agent or attorney.

It shall be the duty of the agent paying such pension to deduct from the amount due the pensioner the amount of fee so agreed upon or directed by the Commissioner to be paid where no agreement is filed and approved, and to forward or cause to be forwarded to the agent or attorney of record named in such agreement, or, in case there is no agreement, to the agent prosecuting the case, the amount of the proper fee, deducting therefrom the sum of thirty cents in payment of his services in forwarding the same.³

¹ Form of oath required :

I, _____, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God.

² First appropriation for this purpose made in act Mar. 4, 1909, 35 Stat. L., 989, c. 299.

³ By act Mar. 3, 1885, 23 Stat. L., 362, c. 340, a pension agent's salary is limited to \$4,000 per annum, repealing by implication the allowance of 30 cents from an attorney fee.

Sec. 3479, R. S.
Who may administer oath.
Act July 17, 1862, 12 Stat. L., 610.

Act Mar. 4, 1911, 36 Stat. L., 1419, c. 285, part.

Disbarment proceedings; Secretary of the Interior to pay expenses of securing, etc., testimony relating to.

Sec. 4768, R. S.
Sec. 9, July 8, 1870, 16 Stat. L., 195; Feb. 27, 1877, 19 Stat. L., 252.

Commissioner to transmit certificate of pension and one of the articles of agreement to pension agent, etc.

Repealed as to new cases.
See act June 20, 1878, 20 Stat. L., 243.

See sec. 4, Jan. 25, 1879, 20 Stat. L., 265.

Sec. 4769, R. S.
Pension agent's duty on receipt of agreement.

See sec. 4, Jan. 25, 1879, 20 Stat. L., 265.

See 10, July 8, 1870, 16 Stat. L., 195.

Repealed as to new cases.
See act June 20, 1878, 20 Stat. L., 243.

See appropriation act June 20, 1874, 18 Stat. L., 116.

Sec. 1757, R. S.

Act July 4, 1884,
23 Stat. L., 99, c.
181, sec. 1, part.
Attorneys' fees
in pension cases;
act relating to re-
pealed, 20 Stat.
L., 243.

That the act entitled "An act relating to claim agents and attorneys in pension cases," approved June twentieth, eighteen hundred and seventy-eight, is hereby repealed: *Provided, however,* That the rights of the parties shall not be abridged or affected as to contracts in pending cases, as provided for in said act; but such contracts shall be deemed to be and remain in full force and virtue, and shall be recognized as contemplated by said act.

Sec. 2, id.
Secs. 4768, 4769,
R. S., and sec.
4786, R. S., made
applicable in cer-
tain cases.

That sections forty-seven hundred and sixty-eight, forty-seven hundred and sixty-nine, and forty-seven hundred and eighty-six of the Revised Statutes are hereby made applicable also to all cases hereafter filed with the Commissioner of Pensions, and to all cases so filed since June twentieth, eighteen hundred and seventy-eight, and which have not been heretofore allowed, except as hereinafter provided.

Sec. 3, id.
Sec. 4785, R. S.,
reenacted and
amended.

That section forty-seven hundred and eighty-five of the Revised Statutes is hereby reenacted and amended so as to read as follows:

Fees of attor-
ney for prosecut-
ing claims.

"SEC. 4785. No agent or attorney or other person shall demand or receive any other compensation for his services in prosecuting a claim for pension or bounty land than such as the Commissioner of Pensions shall direct to be paid to him, not exceeding twenty-five dollars; nor shall such agent, attorney or other person demand or receive such compensation, in whole or in part, until such pension or bounty-land claim shall be allowed: *Provided,* That in all claims allowed since June twentieth, eighteen hundred and seventy-eight where it shall appear to the satisfaction of the Commissioner of Pensions that the fee of ten dollars, or any part thereof, has not been paid, he shall cause the same to be deducted from the pension, and the pension agent to pay the same to the recognized attorney."

Fees not paid in
certain cases to be
deducted from
pension.

Sec. 4, id.
R. S., 4786.

That section forty-seven hundred and eighty-six of the Revised Statutes is hereby amended so as to read as follows:

Agreement for
amount of fee to
be filed.

SEC. 4786. The agent or attorney of record in the prosecution of the case may cause to be filed with the Commissioner of Pensions, duplicate articles of agreement, without additional cost to the claimant, setting forth the fee agreed upon by the parties, which agreement shall be executed in the presence of and certified by some officer competent to administer oaths. In all cases where application is made for pension or bounty land, and no

Fee in case of
failure to file
agreement.

agreement is filed with the commissioner as herein provided, the fee shall be ten dollars and no more. And such articles of agreement as may hereafter be filed with the Commissioner of Pensions are not authorized, nor will they be recognized, except in claims for original pensions, claims for increase of pension on account of a new disability,¹ in claims for restoration where a pensioner's name has been or may hereafter be dropped from the pension rolls on testimony taken by a special examiner, showing that the disability or cause of death on account of which the pension was allowed did not originate in the line of duty, and in cases of dependent relatives whose names have been or may hereafter be dropped from the rolls on like testimony, upon the ground of non-dependence, and in such other cases of difficulty and trouble as the Commissioner of Pensions may see fit to recognize them: *Provided*, That no greater fee than ten dollars shall be demanded, received, or allowed in any claim for pension or bounty land granted by special act of Congress, nor in any claim for increase of pension on account of the disability for which the pension had been allowed:² *And provided further*, That no fee shall be demanded, received, or allowed in any claim for arrears of pension or arrears of increase of pension allowed by any act of Congress passed subsequent to the date of the allowance of the original claims in which such arrears of pension or of increase of pension, may be allowed.

Articles of agreement, etc., recognized in certain claims only.

Proviso. Fee for bounty land, etc.

No fee allowed for arrears of pension, etc.

The articles of agreement herein provided for shall be in substance as follows, to wit:

ARTICLES OF AGREEMENT.

Whereas I, _____, late a _____ in Company _____ of the _____ regiment of _____ volunteers, war of eighteen hundred and sixty-one (or, if the service be different, here state the same), having made application for pension under the laws of the United States:

Form of articles of agreement.

Now, this agreement witnesseth, that for and in consideration of services done and to be done in the premises, I hereby agree to allow my attorney, _____ of _____, the fee of _____ dollars, which shall include all amounts to be paid for any service in furtherance of said claim; and said fee shall not be demanded by or payable to my said attorney (or attorneys), in whole or in part, except in case of the granting of my pension by the Com-

¹ Phrase "new disability," construed. 2 P. D., 236; 3 P. D., 302.

² See acts Mar. 3, 1891, p. 89, and May 28, 1908, p. 90.

missioner of Pensions; and then the same shall be paid to him (or them) in accordance with the provisions of sections forty-seven hundred and sixty-eight and forty-seven hundred and sixty-nine of the Revised Statutes.

(Claimant's signature.)

(Two witnesses' signatures.)

_____,
_____.

STATE OF _____, County of _____, ss:

Be it known that on this, the _____ day of _____, anno Domini eighteen hundred and eighty _____, personally appeared the above-named _____, who, after having had read over to _____, in the hearing and presence of the two attesting witnesses the contents of the foregoing articles of agreement, voluntarily signed and acknowledged the same to be _____ free act and deed.

(Official signature.) _____.

And now, to wit, this _____ day of _____, anno Domini eighteen hundred and eighty _____, I (or we) accept the provisions contained in the foregoing articles of agreement, and will, to the best of my (or our) ability, endeavor faithfully to represent the interest of the claimant in the premises.

Witness my (or our) hand, the day and year first above written.

(Signature of attorney.) _____.

STATE OF _____, County of _____, ss:

Personally came _____, whom I know to be the person he represents himself to be, and who, having signed above acceptance of agreement, acknowledged the same to be _____ free act and deed.

(Official signature.) _____.

Amount paid,
etc., to be de-
ducted from fee.

And if in the adjudication of any claim for pension in which such articles of agreement have been, or may hereafter be, filed, it shall appear that the claimant had, prior to the execution thereof, paid to the attorney any sum for his services in such claim, and the amount so paid is not stipulated therein, then every such claim shall be adjudicated in the same manner as though no articles of agreement had been filed, deducting from the fee of ten dollars allowed by law such sum as claimant shall show that he has paid to his said attorney.

Penalty for vio-
lation of act relat-
ing to fees or com-
pensation.

Any agent or attorney or other person instrumental in prosecuting any claim for pension or bounty land, who shall directly or indirectly contract for, demand or receive or retain any greater compensation for his services or instrumentality in prosecuting a claim for pension or bounty land than is herein provided, or for payment thereof at any other time or in any other manner than

is herein provided, or who shall wrongfully withhold from a pensioner or claimant the whole or any part of the pension or claim allowed and due such pensioner or claimant, or the land warrant issued to any such claimant, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall for every such offense be fined not exceeding five hundred dollars, or imprisoned at hard labor not exceeding two years, or both, in the discretion of the court.

That the Secretary of the Interior may prescribe rules and regulations governing the recognition of agents, attorneys, or other persons representing claimants before his department, and may require of such persons, agents, and attorneys, before being recognized as representatives of claimants, that they shall show that they are of good moral character and in good repute, possessed of the necessary qualifications to enable them to render such claimants valuable service, and otherwise competent to advise and assist such claimants in the presentation of their claims and such Secretary may, after notice and opportunity for a hearing, suspend or exclude from further practice before his department any such person, agent, or attorney shown to be incompetent, disreputable, or who refuses to comply with the said rules and regulations, or who shall with intent to defraud in any manner deceive, mislead, or threaten any claimant, or prospective claimant, by word, circular, letter, or by advertisement.

Sec. 5, id.
Secretary of
Interior to pre-
scribe rules for
government of
agents, etc., in
prosecution of
claims.

The Commissioner shall have power, subject to review by the Secretary, to reject or refuse to recognize any contract for fees, herein provided for, whenever it shall be made to appear that any undue advantage has been taken of the claimant in respect to such contract.

Sec. 6, id.
Com missioner
of Pensions may
reject contracts
for fees, etc.

That hereafter no agent or attorney shall demand, receive, or be allowed any compensation under existing law exceeding two dollars in any claim for increase of pension on account of the increase of the disability for which the pension has been allowed, or for services rendered in securing the passage of any special act of Congress granting a pension or an increase of pension in any case that has been presented at the Pension Office or is allowable under the general pension laws:¹ *And provided further,* That any agent, attorney, or other person instrumental

Act Mar. 3,
1891, 26 Stat. L.,
1082, c. 548, part.
Attorney's fees,
increase and spe-
cial act claims.

Illegal fees; pen-
alty for taking.

in prosecuting any claim for increase of pension on account of the increase of disability for which pension was allowed, or who has rendered services in procuring the passage of any special act of Congress granting a pension or an increase of pension in any case that has been presented at the Pension Office or is allowable under the general pension laws, who shall directly or indirectly contract for, demand, receive, or retain any compensation for such services, except as hereinbefore provided, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall, for each and every such offense, be fined not exceeding five hundred dollars, or imprisoned not exceeding two years, or both, in the discretion of the court: *Provided, however,* That the foregoing provisions in relation to fees of agents or attorneys shall not apply to any case now pending where there is an existing lawful contract expressed or implied.

Act May 28,
1908, 35 Stat. L.,
419, c. 208, part.
Penalty for at-
tempting to se-
cure special legis-
lation.

That hereafter no pension attorney, claim agent, or other person shall be entitled to receive any compensation for services rendered in securing the introduction of a bill or the passage thereof through Congress granting pension or increase of pension, and any person who shall, directly or indirectly, contract for, demand, receive, or retain any compensation for such services shall be deemed guilty of an offense, and upon conviction thereof shall, for each and every such offense, be fined not exceeding five hundred dollars, or imprisoned not exceeding two years, or both, in the discretion of the court.¹

Act June 27,
1890, 26 Stat. L.,
183, c. 634, sec. 4.
Attorney's fee;
payment; illegal
fee.

That no agent, attorney, or other person engaged in preparing, presenting, or prosecuting any claim under the provisions of this act shall, directly or indirectly, contract for, demand, receive, or retain for such services in preparing, presenting, or prosecuting such claim a sum greater than ten dollars, which sum shall be payable only upon the order of the Commissioner of Pensions, by the pension agent making payment of the pension allowed, and any person who shall violate any of the provisions of this section, or who shall wrongfully withhold from a pensioner or claimant the whole or any part of a pension or claim allowed or due such pensioner or claimant under this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall, for each and every such offense, be fined not exceeding five hundred dollars, or be imprisoned

Wrongfully
withholding
pension from
pensioner.

Penalty.

¹ This language was first used in the pension appropriation act of Mar. 10, 1902, 32 Stat. L., 62, c. 147, and is last used in the act above printed.

at hard labor not exceeding two years, or both, in the discretion of the court.

That no claim agent or attorney shall be recognized in the adjudication of claims under the first section of this Act, and that no agent, attorney, or other person engaged in preparing, presenting, or prosecuting any claim under the provisions of the second section of this Act shall, directly or indirectly, contract for, demand, receive, or retain for such services in preparing, presenting, or prosecuting such claim a sum greater than ten dollars, which sum shall be payable only upon the order of the Commissioner of Pensions by the pension agent making payment of the pension allowed; and any person who shall violate any of the provisions of this section or who shall wrongfully withhold from the pensioner or claimant the whole or any part of a pension or claim allowed or due such pensioner or claimant under this Act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall, for each and every such offense, be fined not exceeding five hundred dollars or be imprisoned at hard labor not exceeding two years, or both, in the discretion of the court.

Act Apr. 19, 1908, 35 Stat. L., 64, c. 147, sec. 3. Attorney's, etc., fees, restricted; amount.

Penalty.

That no fee, compensation, or allowance shall be paid to, received, or accepted by any agent, attorney, or other person instrumental in the prosecution of any claim for pension under this act; and any person who may make any claim upon any applicant for any fee, compensation, or allowance shall be guilty of a misdemeanor, and upon conviction shall be fined not exceeding five hundred dollars, or imprisoned at hard labor not exceeding one year, or both, in the discretion of the court.

Act Aug. 5, 1892, 27 Stat. L., 349, c. 379, sec. 2. Nurses' claims. No attorney fee; penalty.

* * * *And provided further,* That no fee shall be demanded, received, or allowed in any claim for arrears of pension or arrears of increase of pension allowed by any act of Congress passed subsequent to the date of the allowance of the original claims in which such arrears of pension, or of increase of pension, may be allowed.

Act July 4, 1884, 23 Stat. L., 100, c. 181, sec. 4, part. No fee allowed for arrears of pensions, etc.

That no claim agent or attorney shall be recognized in the adjudication of claims under this act, nor shall any such person be entitled to receive any compensation whatever for services or pretended services in making applications thereunder.

Act Mar. 19, 1886, 24 Stat. L., 5, c. 22, sec. 2. Increase of pension to widows and dependent parents. No fee allowed.

No claim agent or other person shall be entitled to receive any compensation for services in making application for pension under this Act.

Act Mar. 3, 1901, 31 Stat. L., 1446, c. 865, sec. 2. Agents' fees barred.

Act Feb. 28, 1903, 32 Stat. L., 921, c. 858, sec. 3. Agents' fees prohibited. That no claim agent or other person shall be entitled to receive any compensation for services in making application for pension under this act.

Act Feb. 6, 1907, 34 Stat. L., 879, c. 468, sec. 3. Agents not entitled to compensation. That no pension attorney, claim agent, or other person shall be entitled to receive any compensation for services rendered in presenting any claim to the Bureau of Pensions, or securing any pension, under this Act.

Act June 27, 1902, 32 Stat. L., 400, c. 1156, part. Survivors of Indian wars pensioned. Fee contracts heretofore made null and void. * * * *And provided further*, That all contracts heretofore made between the beneficiaries under this Act and pension attorneys and claim agents are hereby declared null and void.

Act May 30, 1908, 35 Stat. L., 553, c. 250, part. Contracts with attorneys, etc. void. * * * *And provided further*, That all contracts heretofore made between the beneficiaries under this Act and pension attorneys and claim agents are hereby declared null and void.

TABLE OF ATTORNEY FEES.

ALLOWED BY LAW.

In original claims allowed under—

All general laws (except act June 27, 1890, act Apr. 19, 1908, and such acts as do not provide for payment of a fee), sec. 4, act July 4, 1884, authorizes a fee—

On properly executed articles of agreement, any amount contracted for, not exceeding-----	\$25.00
Without articles of agreement-----	10.00
Act June 27, 1890 (sec. 4 of said act)-----	10.00
Act Apr. 19, 1908 (sec. 2 of said act)-----	10.00

Supplemental claims—

To allow for child by former marriage if filed by new attorney-----	10.00
To allow for helpless child—	
If named in original application, but new attorney presents claim-----	10.00
If not so named, whether supplemental claim be filed by new or original attorney-----	10.00
To allow for posthumous child, born after filing claim, unless expressly exempted by mutual agreement between claimant and attorney-----	10.00

Rerating or reissue to correct rate or date of commencement, if filed by new attorney (11 P. D., 202)-----	10.00
Reduction in rate of pension, for services rendered in preventing (Secretary's decision, Dec. 27, 1900, case of Charles Hebel, certificate No. 113168)-----	10.00
Dropping pensioner's name from roll, for services rendered in preventing (9 P. D., 236)-----	10.00
Renewal, restoration, removal of suspension, etc., "cases of difficulty and trouble" (sec. 4, act July 4, 1884), commissioner may recognize articles of agreement for not exceeding (8 P. D., 182)-----	25.00

Restoration—

Dropped for loss of title on testimony taken by a special examiner showing that the disability or cause of death on account of which pension was allowed did not originate in line of duty, and in cases of dependent relatives whose names were dropped, on like testimony, upon the ground of nondependence (act July 4, 1884)—

In claims under all general laws (except act June 27, 1890, act Apr. 19, 1908, and such acts as do not provide for payment of a fee)—

On properly executed articles of agreement, any amount contracted for, not exceeding— \$25.00
 Without articles of agreement ----- 10.00

Under act June 27, 1890----- 10.00

Under act Apr. 19, 1908----- 10.00

Where dropped under sec. 4719, R. S. (4 P. D., 405)--- 10.00

Increase claims—

Mexican War, Jan. 5, 1893, and amendatory acts, in which fee was not paid prior to Sept. 20, 1902 (12 P. D., 505)----- 10.00

In cases where increase is granted because of increase of the disability for which pension was originally allowed (act Mar. 3, 1891)----- 2.00

NOT PAYABLE ON ORDER OF COMMISSIONER OF PENSIONS, BUT A MATTER OF CONTRACT BETWEEN CLAIMANT AND ATTORNEY, SUBJECTING THE LATTER TO DISCIPLINARY PROCEEDINGS IN THE EVENT OF EXTORTION OR UNREASONABLENESS.

Accrued pensions, act Mar. 2, 1895, due deceased pensioners (rule 26, practice) : Attorney may collect 10 per cent of accrued pension paid, but fee must not exceed-- 10.00

Divided pensions, act Mar. 3, 1899 (10 P. D. 403) : Attorney may collect reasonable fee, and in absence of abuse or misconduct on his part justifying disbarment, Commissioner of Pensions has no authority.

CASES WHEREIN FEES ARE DENIED.

By law :

Act July 4, 1884, arrears of pension allowed by Congress subsequent to original grant----- No fee.

Act Mar. 19, 1886, increasing rates of pension to certain widows ----- No fee.

Act Aug. 5, 1892, granting pensions to Army nurses--- No fee.

Act Mar. 3, 1901, and act Feb. 28, 1903, amending sec. 4708 R. S., giving pensionable status to certain remarried widows----- No fee.

Act Feb. 6, 1907, granting pensions to certain survivors of the Mexican and Civil Wars----- No fee.

Act May 28, 1908, for services in introducing or securing the passage of a private act of Congress granting a pension----- No fee.

By departmental construction or regulations:

Increase by operation of law, Secretary's decision, or bureau schedule ratings (ruling 124 and order 266)-----	No fee.
Claim filed by State agent or commissioner (7 P. D., 293)-----	No fee.
Wherein power of attorney only is filed (4 P. D., 356; 7 P. D., 517)-----	No fee.
Wherein no service is rendered (7 P. D., 517)-----	No fee.
Wherein attorney transmits only order for medical examination or reasons for claimant's failure to appear for such examination (9 P. D., 375), unless in response to bureau call-----	No fee.
Where guardian, as attorney, prosecutes claim of his ward, or firm of attorneys of which guardian is a member, prosecutes such claim (rule 15, practice)-----	No fee.
Where no fund accrues by reason of allowance out of which fee could be paid (8 P. D., 139; 11 P. D., 149)-----	No fee.
Reissue to include new disability, if no increase (8 P. D., 139)-----	No fee.
Rerating or reissue to correct rate or date of commencement, if same attorney as in original claim (7 P. D., 359; 13 P. D., 75)-----	No fee.
Securing new or duplicate pension certificate (8 P. D., 261)-----	No fee.
Supplemental claims—	
To allow for child by former marriage if claim be filed by original attorney (7 P. D., 47; 16 P. D., 546)-----	No fee.
To allow for helpless child if child named as helpless in original declaration, to original attorney (9 P. D., 117)-----	No fee.

POSTAGE.

By order of May 26, 1891, attorneys may receive, from and after Apr. 22, 1891, for postage in any one claim----- \$0. 50

ATTORNEYS—RULES OF PRACTICE BEFORE THE BUREAU OF PENSIONS.

RULE 1.

Authority to prosecute claims.

A person appearing of record in the Bureau of Pensions as having complied with the regulations prescribed by the Secretary of the Interior for the recognition of agents or attorneys before the Department of the Interior will be held authorized to prosecute any claim for pension or bounty land, in which the law does not prohibit the payment of an attorney's fee, on filing a power of attorney from the claimant; *Provided, however,* That the

Commissioner of Pensions, in his discretion, may recognize such person without compensation in any claim for pension or bounty land heretofore filed, or that may hereafter be filed, in which the law prohibits the payment of such fee.

RULE 2.

Transfers of attorneyship will be governed by the following rules: Transfers of attorneyship.

(a) Transfers of attorneyship must be acknowledged before some officer authorized to administer oaths for general purposes in the presence of two witnesses who must sign their names to the instrument of transfer.

(b) In all transfers of attorneyship a separate slip must be filed for each claim transferred, showing its number, the name of the claimant, the name of the soldier or sailor, the service on which the claim is based, the name and address of the transferee, and an acknowledgment by the transferee of the transfer.

(c) A transfer not general in character, but of a limited number of claims, from one agent, attorney, or firm to another, must be accompanied also by a schedule, alphabetically arranged, showing for each claim the data required on said slips.

(d) A transfer made by the legal representative of a deceased or incompetent agent or attorney must be accompanied by a duly authenticated certificate of an officer of the court having jurisdiction, showing the authority of such representative.

(e) The written consent of the claimant is necessary to entitle a transferee to recognition in an incomplete claim, the transfer of attorneyship in all such cases being subject to protest.

RULE 3.

No agent or attorney shall have power to make a valid assignment of any claim in which he has been recognized, even with the written consent of the claimant, unless he is at the time of such assignment and of such consent in good standing before the Bureau of Pensions. Consent to assignment.

RULE 4.

No power of attorney purporting to be executed by a claimant will be recognized as good and valid unless the same is signed in the presence of two witnesses and ac- Power of attorney; execution.

known before an officer duly authorized to administer oaths for general purposes, whose official signature is certified under seal.

RULE 5.

Articles of agreement; pension claims; execution.

No articles of agreement filed under the act of July 4, 1884, will be recognized as valid, and no fee will be paid thereunder, unless the claimant's signature thereto is witnessed by two attesting witnesses and acknowledged before some officer authorized to administer oaths for general purposes, whose official signature is certified under seal.

The attorney's acceptance of such agreement must also be executed before some officer duly authorized to administer oaths for general purposes, whose official signature is certified under seal.

RULE 6.

Articles of agreement; pension claims; forms, requirements.

Articles of agreement, to be recognized as valid by the Commissioner of Pensions, must be in duplicate and in the form prescribed by order of July 8, 1884,¹ and have

¹ The following is the form of articles of agreement prescribed by the Commissioner of Pensions and approved by the Secretary of the Interior July 8, 1884, under the provisions of the act of Congress approved July 4, 1884:

[To be executed in duplicate without additional cost to claimant.]

ARTICLES OF AGREEMENT.

Whereas I, _____, late a _____ in company _____ of the _____ Regiment of _____ Volunteers, war of _____, having made application for pension under the laws of the United States:

Now this agreement witnesseth, That for and in consideration of the services done and to be done in the premises, I hereby agree to allow my attorney, _____, of _____, the fee of _____ dollars, which shall include all amounts to be paid for any service in furtherance of said claim; and said fee shall not be demanded by or payable to my said attorney, in whole or in part, except in case of the granting of my pension by the Commissioner of Pensions; and then the same shall be paid to him in accordance with the provisions of sections 4768 and 4769 of the Revised Statutes United States.

(Signature of claimant.) _____

(Post-office address.) _____

(Signatures of two witnesses.)

STATE OF _____, County of _____, ss:

Be it known that on this, the _____ day of _____, A. D. 1—, personal appeared _____, the above named, who, after having had read over to _____, in the hearing and presence of the two attesting witnesses the contents of the foregoing articles of agreement, voluntarily signed and acknowledged the same to be _____ free act and deed.

[L. s.]

(Official signature.) _____

And now, to wit, this _____ day of _____, A. D. 1—, _____ accept the provisions contained in the foregoing articles of agreement, and will to the best of _____ ability, endeavor faithfully to represent the interest of the claimant in _____ hereby certify that _____

printed upon the reverse: "Notice to Claimant," "This agreement is permissible under the law, but not compulsory," and a copy of the act of July 4, 1884.

RULE 7.

When a claim for bounty land has been allowed and the warrant issued, one approved copy of the articles of agreement will be forwarded to the agent or attorney of record and the other preserved in the files of the claim. The bounty-land warrant will be forwarded direct to the party entitled to the possession thereof.

Articles of agreement; bounty-land claims.

RULE 8.

An agent or attorney may request and receive from a claimant a sum not exceeding fifty cents for postage in the prosecution of any one claim, original or increase, but compliance with such request of the agent or attorney is optional with the claimant.

Postage.

Agents and attorneys are not allowed to demand a sum for postage as a right, or to refuse to prosecute a claim where the request for postage is not complied with.

RULE 9.

When in the adjudication of any claim for pension or bounty land in which articles of agreement have been or may hereafter be filed, it shall appear that the claimant, prior to the execution thereof, had paid to the agent or attorney any money for fee, postage (other than as allowed by Rule 8), or expenses in connection with the

Articles of agreement; attorney to stipulate amounts received.

_____ have received from the claimant above named the sum of _____ dollars, and no more; _____ dollars being for fee, and the sum of _____ dollars being for postage and other expenses. And that these agreements have been executed in duplicate, without additional cost to the claimant, as required by law, in excess of the fee above named, the said attorney making no charge therefor.

Witness _____ hand the year and day above written.
(Signature of attorney.) _____

STATE OF _____, County of _____, ss:

Personally came _____, whom I know to be the person _____ represents _____ to be, and who, having signed above acceptance of agreement, acknowledged the same to be _____ free act and deed.

[L. s.] (Official signature.) _____

Approved for _____ dollars, and payable to _____, of _____, the recognized attorney.

prosecution of the claim, and the amount so paid is not stated in the acceptance of agreement by the agent or attorney, then every such claim shall be adjudicated as if the articles of agreement contained no stipulation as to a fee, and from the fee of ten dollars allowed by law such sums as are shown to have been paid to the agent or attorney shall be deducted.

RULE 10.

Attorney not to act as notary, etc., or attesting witness.

No power of attorney or articles of agreement will be accepted as valid wherein the claimant's acknowledgment is taken before an officer who is the agent or attorney named therein, or where the agent or attorney acts as one of the attesting witnesses to claimant's signature to such instrument.

A declaration, affidavit, or any paper, requiring execution, or acknowledgment in connection with a claim for pension, or bounty land, must be executed or acknowledged before an officer duly authorized to administer oaths for general purposes, who is not interested in the prosecution of the claim to which said paper pertains, and the jurat must so show. An agent or attorney who shall file any paper containing in the jurat a false statement that the officer before whom such paper was executed, or acknowledged, is not interested in the prosecution of the claim, or any statement equivalent thereto, when in truth and in fact, such agent or attorney has entered into a contract, agreement, or understanding, with such officer, by virtue of which said officer is to receive compensation, or a commission, from such agent or attorney, in the event of the allowance of the claim, will subject himself to suspension or disbarment from practice before the Bureau of Pensions.

RULE 11.

Limitation; date of filing.

All articles of agreement in claims for pension or bounty land that conform to the requirements of the law and regulations will be accepted if filed prior to the date of the issue of the certificate or of the bounty-land warrant.

RULE 12.

Limitation; title to fees.

No request of an agent or attorney for consideration of his title to a fee will be entertained unless the same is

filed in the Bureau of Pensions within three years from the date of issue of the certificate upon which such fee is claimed.

RULE 13.

If an agent or attorney is disbarred pending the adjudication of a claim, and if, while such disbarment is in force, the claim is adjudicated and the certificate issued without certification of a fee by reason of such disbarment, and if thereafter said agent or attorney is restored to practice, and if claimant has not, by reason of such disbarment, canceled or revoked the authority theretofore existing, upon such restoration as aforesaid the lawful fee will be certified and paid to such agent or attorney.

Disbarment; effect on payment of fee.

RULE 14.

When a claimant during the disbarment of his agent or attorney of record employs another, who prosecutes the claim to final adjudication, no fee will be certified the disbarred agent or attorney upon his restoration to practice, but his disbarment will operate by way of estoppel to bar any claim for fee.

Same; estoppel.

RULE 15.

No fee will be allowed to a guardian who prosecutes the claim of his ward, nor to a firm of attorneys of which the guardian is a member.

No fee to guardians.

RULE 16.

When an agent or attorney is called upon by the Commissioner of Pensions to furnish evidence in any claim, he will be allowed ninety days within which to furnish same or to give reasons why he fails to do so: *Provided always*, That before such agent or attorney is dropped or another recognized, at any time within one year, he shall be given thirty days' notice to show cause why he is not guilty of laches. In the event that such answer be not filed within thirty days from the mailing of such notice, or that the answer thereto be held by the Commissioner of Pensions to be insufficient, claimant shall be notified of such failure and may file the same, either by himself or by such other attorney as he may elect; and upon the recog-

Failure to furnish evidence; estopped.

dition of such other attorney the former agent or attorney will be estopped from claiming any fee.

RULE 17.

Call slips.

To call up a case will not be held of itself a substantial compliance with any specific requirement of the Commissioner of Pensions.

RULE 18.

Effect of neglect.

An agent or attorney will be required to exercise due diligence in all cases in which he is recognized. Neglect to prosecute a claim for one year will be held, in default of cause shown, conclusive evidence of the abandonment of a claim by the agent or attorney, and claimant will be so advised.

RULE 19.

Rejection; reconsideration; appeal.

Upon the rejection of a claim for pension or bounty land the agent or attorney of record will be notified of such rejection and the reason therefor, and will be allowed ninety days from the date of such notice within which to file a motion for reconsideration, supported by material evidence, or within which to enter an appeal to the Secretary of the Interior; and on his failure to do either he will be held to have abandoned the case, and the claimant may employ any other duly qualified agent or attorney further to prosecute the claim.

RULE 20.

Order of consideration of claims.

No claim pending in the Bureau of Pensions will be considered out of its regular order upon the request of an agent or attorney, or any other person whomsoever, except for good cause shown and upon the order of the Commissioner of Pensions.

RULE 21.

Circular letters, etc., to be approved by commissioner before use.

Every agent, attorney, or other person recognized by the Department of the Interior as entitled to practice before the Bureau of Pensions, shall submit to the Commissioner of Pensions copies of all proposed advertising

matter framed and intended to solicit business before the Bureau of Pensions, and if the same be not disapproved by the Commissioner of Pensions and the agent or attorney so notified within ten days from the date of filing them, they will be held, prima facie, approved.

Advertising matter may contain clear, correct, and explicit statements of the law, the name and address of the attorney, and the information that he prosecutes claims for pension and bounty land.

The use by an agent or attorney of the characters "U. S.," or the words "United States," as a part of his title or of the title of his business is misleading and will not be permitted.

RULE 22.

A claim for increase of pension will not be considered or held as a claim pending within the prohibition of section 190, Revised Statutes of the United States. Increase claims not in prohibited class.

RULE 23.

Every agent, attorney, or other person who shall, directly or indirectly, request of any Member of either House of Congress, or of any United States Government official or representative (other than one whose duty it is under the law to supervise and administer the laws, rules and regulations governing the granting of pensions and bounty land) aid or assistance in the prosecution of a pension or bounty-land claim, or who shall, directly or indirectly request or advise a claimant to seek such aid in the prosecution of a pension or bounty-land claim, will be held to have abandoned the claim as agent or attorney and will thereby forfeit his agency or attorneyship in such claim. Solicitation of services of United States officers in aid of prosecution of claims, prohibited.

RULE 24.

Every agent, attorney, or other person recognized by the Department of the Interior as entitled to practice before the Bureau of Pensions who shall violate the provisions of Rule 23, above, will be held thereafter incompetent to prosecute claims before said Bureau within the meaning of section 5 of the Act of July 4, 1884, and will thereby subject himself to suspension or disbarment from practice before the Bureau of Pensions. Penalty for violating above rule.

RULE 25.

Itemized ac-
count of expenses
to be filed before
demanding or re-
ceiving payment.

Where an agent, attorney, or other person incurs any expense in the prosecution of a claim before the Bureau of Pensions, he must file a sworn itemized account of such expense with the Commissioner of Pensions and secure the approval thereof, before demanding or receiving reimbursement from the claimant or pensioner.

RULE 26.

Accrued claims;
fee limited.

In a claim under the act of March 2, 1895, for the accrued pension due in an admitted case from the date of last payment to pensioner's death, the agent or attorney of record is permitted, upon the allowance of the claim, to receive as a fee, direct from the claimant or beneficiary, ten per centum of the amount of the accrued pension paid; but in no event will such agent or attorney be permitted to demand, receive, or retain a fee in excess of ten dollars in any one claim.

RULE 27.

Attorney must
refund fee erro-
neously paid.

Where, through a mistake of fact or fraud on the part of an agent or attorney, a fee to which he is not entitled has been paid to him he will be required to refund the same on demand by the Commissioner of Pensions; and his failure or refusal to refund, after such demand, will render him liable to suspension or disbarment from practice before the Bureau of Pensions.

RULE 28.

Increase claims;
neglect to furnish
evidence called
for, effect of.

When in an invalid claim for increase the Commissioner of Pensions issues a call for evidence to show that claimant's disability has increased, as a prerequisite to a medical examination, and no evidence is filed in response to such call within ninety days, or thereafter before there is presented on behalf of claimant another declaration for increase, then the claim in which said call was issued is to be held rejected without ordering a medical examination, unless there was on file in the claim at the time of the issue of said call, medical evidence which had not been considered, tending to show that the claimant's disability had increased.

Any declaration for increase filed within ninety days from date of a call, under a prior declaration, for evidence to show increase of disability, will be held a duplicate of such prior declaration.

RULE 29.

All rules and orders inconsistent with the foregoing are hereby abrogated. Repeal.

J. L. DAVENPORT,
Commissioner of Pensions.

Approved.

CARMIE A. THOMPSON,
Assistant Secretary.

DEPARTMENT OF THE INTERIOR,
July 12, 1911.

RULES OF PRACTICE IN PENSION AND BOUNTY-LAND APPEALS.

RULE I.

Except as herein otherwise provided, an appeal may be taken to the Secretary of the Interior from the final action or order of the Commissioner of Pensions in all matters relating to pensions or bounty land, and a separate appeal must be filed in each claim. Appeals.

RULE II.

Appeals must be filed with the Commissioner of Pensions. The Commissioner will thereupon, within thirty days from the filing of said appeal, consider and determine whether the action or order from which the appeal is taken shall be adhered to; and if he shall determine not to recede therefrom, he shall, within said period of thirty days, forward said appeal, together with the record in the case and a report stating his reasons for the action or order complained of, to the Department; and said appeal shall thereupon be entered upon a docket kept for that purpose. Upon the perfection of such appeal, by transmission and docketing aforesaid, the jurisdiction of the Commissioner shall cease and determine, and the case will be decided by the Secretary on the record. The decision of the Secretary shall be in duplicate and the same shall

Filed with Commissioner of Pensions; to be acted on within 30 days; if action be adhered to, the appeal, report thereon, and record to be sent to department.

Docketing.

Decision to be on the record.

Copy of decision to be sent to appellant or his attorney.

be transmitted with said record to the Commissioner of Pensions for action in accordance therewith. One copy of the decision shall be transmitted by the Commissioner to the appellant or his duly accredited attorney.

RULE III.

Limitation as to filing.

No appeal will be entertained unless filed within one year from the date of notice of final action or order of which complaint is made.

RULE IV.

Will not lie for refusal to recognize attorney in case where law prohibits fee.

No appeal will be entertained from the refusal of the Commissioner of Pensions to recognize attorneys or agents in prosecuting claims for pension or bounty land under any law wherein the payment of a fee for such service is prohibited.

RULE V.

Grounds to be specified. See Rule XI.

In each appeal, the name and service of the soldier, on account of whose service the claim is based, must be stated, together with the number of claim, the law under which the claim is prosecuted, and the date and substance of the action from which the appeal is taken.

RULE VI.

Attorney when recognized in case on appeal.

An appeal by an attorney will not be entertained unless he has filed a duly executed power of attorney for this purpose from the appellant, or is entitled under the rules to recognition.

RULE VII.

Attorney, suspended or disbarred; appeal by, not entertained.

An appeal taken on behalf of a claimant by or through a suspended or disbarred attorney will not be entertained.

RULE VIII.

Attorney fee; refundment of.

No appeal pertaining to the allowance of a fee when the refundment has been called for will be entertained unless refundment as required shall have been made.

RULE IX.

Commissioner of Pensions to return defective appeal to appellant.

The Commissioner of Pensions shall return to the appellant any appeal not in conformity with the provisions of Rules III to VIII, inclusive, stating wherein the appeal is defective.

RULE X.

In proceedings before the Commissioner in which he shall decide that a party has no right to appeal to the Secretary or that said appeal may not be entertained under the provisions of the foregoing rules such party may apply to the Secretary for an order directing the Commissioner to certify said action together with the record in the case to the Department; and such application shall be in writing, under oath, and shall fully and specifically set forth the grounds upon which the same is based.

Appellant may apply to Secretary for order directing Commissioner of Pensions to certify record, etc., to department for consideration when said commissioner has decided adversely as to appellant's right to appeal.

RULE XI.

Each appeal must contain specific assignments of the alleged mistake or error of law or of fact in the adjudication of said claim by the Commissioner of Pensions; and any appeal insufficient in this respect may be dismissed by the Secretary.

Appeal must contain specific assignments of alleged mistakes of fact or errors of law.

See Rule V.

RULE XII.

A motion for reconsideration of any departmental decision may be filed with and entertained by the Secretary, in his discretion, if filed within six months from the date when such decision was rendered. It must be shown in said motion that some material feature of the case has not been considered in said decision, or that there was error of law or of fact.

Reconsideration of departmental decisions, motions for; limitations.

RULE XIII.

Upon the adjudication of a claim for division of pension under the act of March 3, 1899, in the Bureau of Pensions, both parties will be promptly notified by the bureau, by registered letter, of the action taken. Each party will, in the absence of waiver, be allowed thirty days from receipt of said notice to appeal from said action, the appeal to be accompanied by due proof of service of a copy thereof upon the appellee, as required by Rule XIV. Unless such bureau action is appealed from within thirty days from receipt of said notice, the bureau action shall be deemed to be final to the extent that all payments of divisions of pension in accordance with such bureau action will not, in the absence of fraud or mistake of fact, be disturbed: *Provided*, The unex-

Division of pension, act Mar. 3, 1899; practice; limitation.

plained failure of a pensioner to appear, answer, or in any way plead to the claimant's application, after due notice thereof by the Bureau, will be deemed a waiver of his right to appeal to the extent that, if the claim be allowed, final orders for division of pension may issue at once.

RULE XIV.

First, second, and third provisos of act Mar. 3, 1899; proof of service of notice on appellee prerequisite.

Appeals from bureau action in cases under the first, second, and third provisos of the act of March 3, 1899 should be accompanied by due proof of service of a copy of the appeal upon the appellee or his or her attorney of record.

Proof of service must be such as will satisfy the Commissioner of Pensions that the appellee has been informed of the appeal and the contents thereof, and may consist of, first, a written acceptance of service by the appellee or his or her attorney of record; or, second, a postal registry return receipt card, signed by appellee or attorney of record, accompanied by an affidavit, showing that on a certain date a copy of the appeal was mailed in a registered letter, postpaid, to the appellee or the attorney of record, addressed to a certain post-office (naming it), that the card was returned in acknowledgment of the receipt of such letter; or, third, an affidavit showing that on a certain day and at a certain place a copy of the appeal was personally delivered to the appellee or his or her attorney of record.

Appeals in this class of cases unaccompanied by due proof of service, or a satisfactory reason why personal service can not be made, will not be filed, or considered, but will be promptly returned to the appellant, or his or her attorney of record, for compliance with this rule.

RULE XV.

During pendency of appeal payment of one-half of pension suspended; limitation as to period for filing answer.

Appeals from Bureau action in cases under the first, second and third provisos of the act of March 3, 1899 when accompanied by due proof of service of a copy thereof upon the appellee, will be filed, and the appellant and appellee promptly notified thereof. The appeal will operate to suspend further payment of the one-half pension in controversy until a decision shall have been rendered therein by the Department, and the appellee will be allowed thirty days from the date of filing the appeal in

which to file an answer, brief or argument, in opposition to the appeal or in support of the bureau action appealed from.

RULE XVI.

Appeals from the Bureau action in cases under the first, second, or third provisos of the act of March 3, 1899, should be confined to cases under that act, and not joined with an appeal from action in an invalid claim or claims under other acts of Congress, and when perfected by due proof of service of a copy of the appeal upon the appellee, as required by Rule XIV, should be addressed to the Commissioner of Pensions. This appeal should state the post-office address of the appellant and appellee and the certificate number and the service (company and regiment, etc.) of the pensioner, and should briefly, but specifically, state the error of law or fact complained of and the grounds relied upon for reversing or modifying the bureau action appealed from.

Appeals under act Mar. 3, 1899, not to be joined with appeals under other laws.

No additional evidence upon the merits of the claim should be filed by either appellant or appellee, or considered on appeal.

Evidence.

RULE XVII.

Motions for review of departmental decisions in cases for division of pension under the act of March 3, 1899, should be addressed to the Secretary of the Interior and refer to the docket number of appeal, stating the names of the parties. The motion should briefly but specifically state the error of law or of fact in the decision sought to be reversed or modified and clearly indicate the grounds relied upon for reversing or modifying the decision and may be accompanied by brief or argument in support thereof. The motion should be accompanied with due proof of service of a copy of the motion upon the opposite party, or his or her attorney, as indicated in Rule XIV of Practice.

Review of departmental decisions in cases for division of pension, motions for; to be addressed to Secretary; specifications; proof of service.

The opposite party will be allowed thirty days in which to reply to said motion, if desired, by answer, brief, or argument, and thereupon the motion will be promptly considered by the department, and a copy of the departmental decision or order, on the motion for review, will be duly forwarded to the parties or their attorneys by the Bureau of Pensions.

Limitation as to filing answer, etc.

Suspension of payment only at department's direction.

No motion for review of a departmental decision under said act shall operate to suspend payment of one-half the pension in controversy unless expressly directed by this department.

Rules XIV and XVI, *supra*, applicable.

The requirements of Rules XIV and XVI of Practice, as to appeals, are applicable to motions for review under said act.

* * * * *

Date when rules effective.

The above rules, governing the practice in appealed claims before the Department, relating to pensions and bounty lands, shall become effective on and after September 1, 1911, and all rules and orders heretofore promulgated inconsistent with the foregoing are hereby abrogated.

Repeal.

CARMI A. THOMPSON,
Assistant Secretary.

AUGUST 15, 1911.

AMENDMENT.

The rules approved August 15, 1911, are hereby amended by the addition of the following rule, which will be in force and effect from the date hereof:

Cases on appeal to be decided in regular order, unless.

RULE XVIII. All cases on appeal will be considered and decided in regular order according to their places upon the docket, unless for cause shown, a case may be advanced, on motion, for earlier hearing and determination. Every such motion shall set forth succinctly the grounds upon which it is based and must be supported by the affidavits of at least two disinterested parties cognizant of the facts upon which the motion is based. No such motion will be granted except in cases involving points of pension law of general application affecting other claims, unless it appears that the appellant is in extreme indigent circumstances or is ill without reasonable hope of recovery.

Motion to advance, how supported.

When granted.

CARMI A. THOMPSON,
Assistant Secretary.

JANUARY 24, 1912.

Chapter VII.

PHYSICAL EXAMINATIONS.

SEC. 4776, R. S. Medical referee; examining surgeons.

SEC. 4777, R. S. Civil examining surgeons, appointment of.

SEC. 4775, R. S. Special medical examinations and appeals therefrom.

ACT JUNE 21, 1879, SEC. 3. Biennial examinations abolished.

ACT JULY 25, 1882, SEC. 4. Boards of examining surgeons, organization of.

ACT JULY 18, 1894. Reports of examining surgeons open to inspection.

ACT MAY 28, 1908. Examining surgeons, fees of and character of reports to be made by.

The Secretary of the Interior is authorized to appoint a duly qualified surgeon as medical referee, who, under the control and direction of the Commissioner of Pensions, shall have charge of the examination and revision of the reports of examining surgeons, and such other duties touching medical and surgical questions in the Pension-Office, as the interests of the service may demand; and his salary shall be two thousand five hundred dollars per annum. And the Secretary of the Interior is further authorized to appoint such qualified surgeons (not exceeding four) as the exigencies of the service may require, who may perform the duties of examining surgeons when so required, and who shall be borne upon the rolls as clerks of the fourth class; but such appointments shall not increase the clerical force of said Bureau.

Sec. 4776, R. S. Medical referee and other examining surgeons.
Sec. 38, Mar. 3, 1873, 17 Stat. L., 577.

Act Mar. 3, 1885, 23 Stat. L., 417.
Salary of medical referee, \$2,500.

The Commissioner of Pensions is empowered to appoint, at his discretion, civil surgeons to make the periodical examinations of pensioners which are or may be required by law, and to examine applicants for pension, where he deems an examination by a surgeon appointed by him necessary; and the fee for such examinations, and the requisite certificates thereof in duplicate, including postage on such as are transmitted to pension-agents, shall be two dollars, which shall be paid by the agent for paying pensions in the district within which the pensioner or claimant resides, out of any money appropriated for the payment of pensions, under such regulations as the Commissioner of Pensions may prescribe.

Sec. 4777, R. S. Appointment of civil examining surgeons.

Sec. 35, Mar. 3, 1873, 17 Stat. L., 576; sec. 8, July 14, 1862, 12 Stat. L., 568.

See sec. 8, July 4, 1864, 13 Stat. L., 388.

Sec. 4775, R. S.
Special medical
examinations
and appeals
therefrom.
Sec. 37, Mar. 3,
1873, 17 Stat. L.,
576.

Examining surgeons duly appointed by the Commissioner of Pensions, and such other qualified surgeons as may be employed in the Pension-Office, may be required by him, from time to time, as he deems for the interest of the Government, to make special examinations of pensioners, or applicants for pension, and such examinations shall have precedence over previous examinations, whether special or biennial; but when injustice is alleged to have been done by an examination so ordered, the Commissioner of Pensions may, at his discretion, select a board of three duly appointed examining surgeons, who shall meet at a place to be designated by him, and shall review such cases as may be ordered before them on appeal from any special examination, and the decision of such board shall be final on the question so submitted thereto, provided the Commissioner approve the same. The compensation of each of such surgeons shall be three dollars, and shall be paid out of any appropriations made for the payment of pensions, in the same manner as the ordinary fees of appointed surgeons are or may be authorized to be paid.

Act June 21,
1879, 21 Stat. L.,
30, c. 34, sec. 3.
Secs. 4771, 4772,
4773 repealed.
Biennial exam-
ination abolished.
To increase or
reduce a pension.

That sections forty-seven hundred and seventy-one, forty-seven hundred and seventy-two, and forty-seven hundred and seventy-three of the Revised Statutes of the United States, providing for biennial examinations of pensioners, are hereby repealed: *Provided*, That the Commissioner of Pensions shall have the same power as heretofore to order special examinations, whenever, in his judgment, the same may be necessary, and to increase or reduce the pension according to right and justice; but in no case shall a pension be withdrawn or reduced except upon notice to the pensioner and a hearing upon sworn testimony, except as to the certificate of the examining surgeon.

Act July 25,
1882, 22 Stat. L.,
175, c. 349, sec. 4.
Commissioner
of Pensions au-
thorized to ap-
point surgeons
and organize
boards of sur-
geons.

That the Commissioner of Pensions is hereby authorized to appoint surgeons who, under his control and direction shall make such examination of pensioners and claimants for pension or increased pension as he shall require; and he shall organize boards of surgeons, to consist of three members each, at such points in each State as he shall deem necessary, and all examinations, so far as practicable, shall be made by the boards, and no examination shall be made by one surgeon excepting under such circumstances as make it impracticable for a claimant to

present himself before a board: *Provided*, That the Commissioner may, when in his opinion the exigencies of the service require it, organize a board of three surgeons who, under his direction, shall review the work of any regularly-appointed board or surgeon: *Provided further*, That all examinations shall be thorough and searching, and the certificate contain a full description of the physical condition of the claimant at the time, which shall include all the physical and rational signs and a statement of all structural changes.

Special board of surgeons.

Examinations and reports.

The fee for each examination, and satisfactory certificate thereof, shall be two dollars to each member when made by a board, and two dollars when made by one surgeon: *Provided*, That when the claimant is so disabled as not to be able to present himself to a board of surgeons for examination, the Commissioner may order a surgeon to make the examination at the claimant's residence; and the fee for such examination shall be two dollars, in addition to the payment of the actual traveling expenses of the surgeon: *Provided further*, That no fee shall be allowed or paid to any member of such board of examining surgeons who does not actually participate in such examination and sign the certificate thereof.

Fee for examination.

When examination made at claimant's residence.

No fee if examination not participated in.

The Commissioner may, when in his judgment the degree of disability cannot be determined truthfully or satisfactorily excepting by expert examination, employ an expert, not a regularly appointed surgeon, to make the examination; and the fee for such examination shall be five dollars: *Provided*, That the fee for an expert examination shall not be paid to any regularly-appointed examining surgeon.

Commissioner may employ expert.

Fee.

Prohibition against regularly appointed surgeons.

The fee for the examination of claimants who reside out of the United States shall not exceed ten dollars, which shall be paid, upon the presentation of satisfactory vouchers, out of the appropriation for the payment of the examining surgeons, and through the United States consulate nearest to the claimant's place of residence.¹

Nonresident claimants; examination and fee.

* * * *Provided*, That the report of such examining surgeons when filed in the Pension Office shall be open to the examination and inspection of the claimant or his attorney, under such reasonable rules and regulations as the Secretary of the Interior may provide.

Act July 18 1894, 28 Stat. L., 113, c. 141, part. Report of examining surgeons open to inspection.

¹ Supersedes sec. 4774, R. S.

Act May 28, 1908, 35 Stat. L., 419, c. 208, part. Examining surgeons, increase of fees to.

* * * And hereafter each member of each examining board shall receive the sum of three dollars for the examination of each applicant whenever five or a less number shall be examined on any one day and one dollar for the examination of each additional applicant on such day: *Provided*, That if twenty or more applicants appear on one day no fewer than twenty shall, if practicable, be examined on said day, and that if fewer examinations be then made, twenty or more having appeared, then there shall be paid for the first examination made on the next examination day the fee of one dollar only until twenty examinations shall have been made and the fee shall be three dollars when the examination is made by one surgeon, and the fee for each examination at the claimant's residence provided his residence is outside of the corporate limits of the place of the regular meeting of the examining board or of the place of residence of the surgeon, making the examination shall be five dollars in addition to the payment of the actual traveling expenses of the surgeon: *Provided further* That no fee shall be paid to any member of an examining board unless personally present and assisting in the examination of applicant: *And provided further*, That the report of such examining surgeons shall specifically state the rating which in their judgment the applicant is entitled to, and the report of such examining surgeons shall specifically and accurately set forth the physical condition of the applicant, each and every existing disability being fully and carefully described. * * *

Proviso. Examinations.

Fee for, at claimant's residence.

Traveling expenses.

Personal presence required.

Ratings to be specifically stated, etc.

Chapter VIII.

PENSION AGENTS AND PAYMENT OF PENSIONS.

- SEC. 4780, R. S. Pension agencies established.
- SEC. 4778, R. S. Pension agents, appointment of and term of office.
- ACT MAR. 8, 1878. Temporary appointment for vacancy in pension agency.
- SEC. 4779, R. S. Pension agents, bond of.
- ACT MAR. 3, 1885. Pension agents, salary of.
- ACT JUNE 30, 1890. Clerk to sign pension agent's name.
- ACT MAR. 3, 1911. Clerk hire in pension agencies subject to approval of Secretary of the Interior.
- ACT MAR. 1, 1889. Rooms in public buildings to be set apart for pension agencies.
- SEC. 4767, R. S. Blanks for vouchers.
- SEC. 4764, R. S. Pension agents to send quarterly vouchers to each pensioner.
- ACT MAR. 3, 1891, SEC. 2. Grouping of agencies for purposes of payment.
- ACT MAR. 1, 1889. Vouchers may be executed before United States officers free of charge.
- ACT AUG. 23, 1894. Vouchers may be executed before fourth-class postmasters.
- ACT JUNE 25, 1910, SEC. 2. Vouchers may be executed before rural free delivery carriers.
- ACT MAR. 4, 1909. Pensioners to be furnished with penalty envelopes for return of vouchers to agencies.
- SEC. 4765, R. S. Check to be drawn and mailed to each pensioner.
- ACT FEB. 23, 1909. Lost checks, duplicates to be issued, when, amending section 3646, Revised Statutes.
- ACT AUG. 8, 1882. Payment of pensions, amending section 4766, Revised Statutes.
- ACT MAR. 3, 1899. Division of pension, etc.
- ACT MAR. 14, 1898. Pensions of foreign residents not to be paid on powers of attorney.
- ACT MAR. 2, 1895. Repealing law forbidding payment of pension to nonresident.
- SEC. 4820, R. S. Pensioned inmates of soldiers' home; rights of.
- ACT MAR. 3, 1883, SEC. 4. Pensioned inmates of soldiers' home may allot portion of pension; pension of inmates not allotted to be paid to treasurer of home.
- SEC. 4813, R. S. Pensions of inmates of the Naval Home at Philadelphia, Pa., or naval hospitals, to be paid to the Secretary of the Navy.
- ACT MAY 4, 1898. Pensions of inmates of the Naval Home at Philadelphia, Pa., etc., to be paid to Secretary of the Navy.
- ACT FEB. 26, 1881, SEC. 2. Regulating payment of pensions to inmates of the National Home for Disabled Volunteer Soldiers.
- ACT AUG. 7, 1882. Inmates of National Home, Disabled Volunteer Soldiers; payment of pensions of.
- ACT JULY 1, 1902. Disposition of accrued pension due inmates of National Home, Disabled Volunteer Soldiers, at death.
- ACT JUNE 25, 1910. Application for membership in the National Home, Disabled Volunteer Soldiers, to contain provision as to disposition of funds which may be due applicant, if admitted, at time of death.
- ACT MAR. 4, 1911. Prohibiting expenditure of appropriation for benefit of the National Home, Disabled Volunteer Soldiers, or for any State or Territorial home, if a bar or canteen is maintained thereat.
- ACT MAR. 4, 1911. Sums collected by State or Territorial homes to be deducted from aid given by the United States to such homes.
- ACT MAY 28, 1908. Pensions of inmates of State or Territorial homes to be paid directly to the beneficiaries.
- ACT AUG. 7, 1882. Insane persons from the National Home for Disabled Volunteer Soldiers to be admitted to the Government Hospital for the Insane in the District of Columbia, etc.
- ACT FEB. 20, 1905. Payment and disposition of pension money belonging to certain inmates of the Government Hospital for the Insane.
- ACT JUNE 30, 1906. Deposited moneys of deceased inmates of the Government Hospital for the Insane to be covered into the Treasury.
- ACT FEB. 2, 1909. Disbursing officer, Government Hospital for the Insane, duties of.
- ACT MAR. 2, 1895. Accrued pensions.
- ACT MAR. 4, 1909. Reimbursement claims settled by Commissioner of Pensions.
- SEC. 4719, R. S. Legal termination of pension after three years' failure to claim.
- SEC. 4747, R. S. Pensions not liable to attachment, etc.

Sec. 4780, R. S.
Establishment
of pension agen-
cies.

Act Feb. 5, 1867,
14 Stat. L., 391.

The President is authorized to establish agencies for the payment of pensions wherever, in his judgment, the public interests and the convenience of the pensioners require; but the number of pension-agencies in any State or Territory shall in no case be increased hereafter so as to exceed three, and no such agency shall be established in addition to those now existing in any State or Territory in which the whole amount of pensions paid during the fiscal year next preceding shall not have exceeded the sum of five hundred thousand dollars.

Sec. 4778, R. S.
Pension agents;
appointment and
term of office.

Act Feb. 5, 1867,
14 Stat. L., 391.

See sec. 4, Apr.
24, 1816, 3 Stat.

L., 297; sec. 1,
Apr. 20, 1836, 5

Stat. L., 16; act
Mar. 8, 1878, 20

Stat. L., 26.

Act Mar. 8,
1878, 20 Stat. L.,

26, c. 25.

Temporary ap-
pointment for va-
cancy in pension
agency.

Sec. 4778
amended.

The President is authorized to appoint, by and with the advice and consent of the Senate, all pension-agents who shall hold their respective offices for the term of four years, unless sooner removed or suspended, as provided by law, and until their successors are appointed and qualified.

That whenever during a session of the Senate a vacancy shall occur in the office of pension agent, by reason of resignation, death, removal or expiration of the term of office, or where any such agent lawfully appointed shall have failed to qualify and assume the duties of such office, the President may when the public exigence requires it, designate any officer of the United States to perform the duties of such office, but such designation shall not be for a longer time than twenty days, and such officer so designated shall give bonds if required by the President for the faithful discharge of the said duties, and the Secretary of the Interior shall allow in the settlement of the accounts of such officer, the necessary expenses incurred by him in the discharge of his duties under this act. The foregoing provisions shall apply to any vacancy now existing.

Sec. 4779, R. S.
Bond of pension
agents.

Act Feb. 5, 1867,
14 Stat. L., 391.

All pension-agents shall give bond, with good and sufficient sureties, for such amount and in such form as the Secretary of the Interior may approve.

Act Mar. 3,
1885, 23 Stat. L.,

362, c. 340, part.
Agents' salaries.

For the salaries of eighteen agents for the payment of pensions, at four thousand dollars each, seventy-two thousand dollars.

Contingent ex-
penses.

For fees for preparing vouchers, rent, fuel, lights, postage on letters to the Executive Departments and to pensioners, stationery, and other necessary expenses, to be approved by the Secretary of the Interior, two hundred and fifty-six thousand dollars: *Provided*, That from and after June thirtieth, eighteen hundred and eight-five, the sala-

Pay of pension
agent not to ex-
ceed \$4,000 per
annum.

and emoluments of agents for the payment of pensions shall be four thousand dollars, and no more, per annum; and of the fees provided by law for vouchers prepared and paid, only so much thereof as may be required for expenses incurred in having said vouchers prepared, as well as the necessary clerical work at the agencies, shall be available.¹

In case of the sickness or unavoidable absence of any pension agent from his office, he may, with the approval of the Secretary of the Interior, authorize the chief clerk, or some other clerk employed therein, to act in his place, to sign official checks, and to discharge all the other duties required by law of such pension agent; and, with like approval, any pension agent may designate and authorize a clerk to sign the name of the pension agent to official checks.² The official bond given by the principal of the office shall be held to cover and apply to the acts of the person appointed to act in his place in such cases, and a new bond shall be required from all pension agents now in office. Such acting officer shall, moreover, for the time being, be subject to all the liabilities and penalties prescribed by law for the official misconduct, in like cases, of the pension agent for whom he acts.

That the amount of clerk hire and other services and the salaries paid shall be subject to the approval of the Secretary of the Interior.³

And hereafter the Secretary of the Treasury, where practicable, shall cause suitable rooms to be set apart in the public buildings under his control in the cities where pension agencies are located, which shall be acceptable to the Secretary of the Interior, for the use and occupancy of the said agencies respectively.

Act June 30,
1890, 26 Stat. L.,
188, c. 639, part.
Pension agents,
salary of.

Clerks to sign
official checks.

Act Mar. 3,
1911, 36 Stat. L.,
1085, c. 227, part.
Pension agen-
cies, clerk hire.

Act Mar. 1,
1889, 25 Stat. L.,
783, c. 332, part.
Pension agen-
cies.
Rooms in pub-
lic buildings.

¹ Sec. 4781, R. S., was repealed by the act June 14, 1878, 20 Stat. L., 112, c. 188, and this in turn was repealed by above act.

² Act July 18, 1894, 28 Stat. L., 113, c. 141, modifies above act as to method of designation of clerk to sign official checks by authorizing the pension agent to make such designation without other or further approval, but this proviso was held (2 Comp. Dec., 506) to apply to current year only.

³ Sec. 4784, making provisions for the taking of affidavits by pension agents or their clerks, repealed by act Mar. 23, 1896, 29 Stat. L., 74, c. 66.

⁴ Prior to the act of Mar. 3, 1911, the appropriation acts recited that "the amount of clerk hire for each shall be apportioned as nearly as practicable in proportion to the number of pensioners paid at each agency, and the salaries paid shall be subject to the approval of the Secretary of the Interior." The language quoted was last used in act June 25, 1910, 36 Stat. L., 843, c. 413.

Sec. 4767, R. S.
Blanks for
vouchers; notice.
Sec. 5, July 8,
1870, 16 Stat. L.,
193.

The Secretary of the Interior shall cause suitable blanks for the vouchers mentioned in section forty-seven hundred and sixty-four to be printed and distributed to the agents for the payment of pensions, upon which he shall cause a note to be printed informing pensioners of the fact that hereafter no pension will be paid except upon the vouchers issued as herein directed.

Sec. 4764, R. S.
Pension agents
to send quarterly
vouchers to each
pensioner, etc.

Sec. 1, July 8,
1870, 16 Stat. L.,
193; amended act
Mar. 3, 1891, 26
Stat. L., 1082.

Within fifteen days immediately preceding the fourth day of March, June, September, and December in each year, the several agents for the payment of pensions shall prepare a quarterly voucher for every person whose pension is payable at his agency, and transmit the same by mail, directed to the address of the pensioner named in such voucher, who, on or after the fourth day of March, June, September, and December next succeeding the date of such voucher, may execute and return the same to the agency at which it was prepared, and at which the pension of such person is due and payable.

Act Mar. 3,
1891, 26 Stat. L.,
1082, c. 548, sec. 2.
Payment of
pensions by pen-
sion agents;
grouping of;
dates of payment.

That the Secretary of the Interior is hereby authorized and directed to arrange the various agencies for the payment of pensions in three groups as he may think proper and may from time to time change any agency from one group to another as he may deem convenient for the transaction of the public business. The first group shall make their quarterly payments of pensions on January fourth, April fourth, July fourth, and October fourth of each year; the second group shall make their quarterly payments of pensions on February fourth, May fourth, August fourth, and November fourth of each year; and the third group shall make their quarterly payments of pensions on March fourth, June fourth, September fourth, and December fourth of each year. The Secretary of the Interior is hereby fully authorized to cause payments of pensions to be made for the fractional part of quarters created by such change, so as to properly adjust all payments as herein provided. Section forty-seven hundred and sixty-four of the Revised Statutes hereby so amended as to conform to the changes in the time of payments provided herein, and is made applicable thereto.

Sec. 4764
amended.

The sum of fifteen thousand dollars is hereby appropriated to meet the expenses involved in carrying in effect the changes herein provided for.

* * * *And provided further,* That hereafter all United States officers now authorized to administer oaths are hereby required and directed to administer any and all oaths required to be made by pensioners and their witnesses in the execution of their vouchers for their pensions free of charge.

Act Mar. 1,
1889, 25 Stat. L.,
782, c. 332, part.
Pension vouchers may be executed before United States officers free of charge.

That hereafter, in addition to the officers now authorized to administer oaths in such cases, fourth-class postmasters of the United States are hereby required, empowered, and authorized to administer any and all oaths required to be made by pensioners and their witnesses in the execution of their vouchers with like effect and force as officers having a seal; and such postmaster shall affix the stamp of his office to his signature to such vouchers, and he is authorized to charge and receive for each voucher not exceeding twenty-five cents, to be paid by the pensioner.

Act Aug. 23,
1894, 28 Stat. L.,
499, c. 319.
Vouchers may be executed before fourth-class postmasters.

That hereafter, in addition to the officers now authorized to administer oaths in such cases, rural free delivery carriers of the United States are hereby required, empowered, and authorized to administer any and all oaths required to be made by pensioners and their witnesses in the execution of their vouchers, with like effect and force as officers having a seal, and they are authorized to charge and receive for each voucher not exceeding twenty-five cents, to be paid by pensioner.

Act June 25,
1910, 36 Stat. L.,
843, c. 413, sec. 2.
Pension vouchers may be executed before rural delivery carriers.

Fee allowed.

That the Secretary of the Interior shall hereafter furnish free to all pensioners franked or penalty envelopes, properly addressed, to be used by said pensioners only for the return of their pension vouchers.

Act Mar. 4,
1909, 35 Stat. L.,
1058, c. 302, part.
Franked envelopes for pensioners to return vouchers.

Upon the receipt of such voucher, properly executed, and the identity of the pensioner being established and proved in the manner prescribed by the Secretary of the Interior, the agent for the payment of pensions shall immediately draw his check on the proper assistant treasurer or designated depository of the United States for the amount due such pensioner, payable to his order, and transmit the same by mail, directed to the address of the pensioner entitled thereto; but any pensioner may be required, if thought proper by the Commissioner of Pensions, to appear personally and receive his pension.

Sec. 4765, R. S.
Check to be drawn to order of and mailed to each pensioner.
Sec. 2, July 8,
1870, 16 Stat. L.,
193.

Pensioner may be required to appear personally and receive.

That sections thirty-six hundred and forty-six and thirty-six hundred and forty-seven of the Revised Statutes be, and they hereby are, reenacted and amended to read as follows:

Act Feb. 23,
1909, 35 Stat. L.,
643, c. 174.
Sec. 3646, R. S.,
amended.

Issue of duplicate checks by disbursing officer.

"SEC. 3646. Whenever any original disbursing officer's check is lost, stolen, or destroyed, the Secretary of the Treasury may authorize the officer issuing the same, after the expiration of six months and within three years from the date of such disbursing officer's check, to issue a duplicate thereof upon the execution of such bond to indemnify the United States as the Secretary of the Treasury may prescribe: *Provided*, That when such original disbursing officer's check does not exceed in amount the sum of fifty dollars the Secretary of the Treasury may authorize the issuance of a duplicate at any time after the expiration of thirty days and within three years from the date of such disbursing officer's check: *Provided further*, That whenever any original check or warrant of the Post-Office Department has been lost, stolen, or destroyed the Postmaster-General may authorize the issuance of a duplicate thereof, at any time within three years from the date of such original check or warrant, upon the execution by the owner thereof of such bond of indemnity as the Postmaster-General may prescribe: *And provided further*

Bond.

Less than \$50.

That when such original check or warrant does not exceed in amount the sum of fifty dollars and the payee or owner is, at the date of the application, an officer or employee in the service of the Post-Office Department, whether by contract, designation, or appointment, the Postmaster-General may, in lieu of an indemnity bond, authorize the issuance of a duplicate check or warrant upon such affidavit as he may prescribe, to be made before any postmaster by the payee or owner of an original check or warrant.¹

Sec. 3647, R. S., amended.

Duplicate check, when officer issued it is dead.

"SEC. 3647. In case the disbursing officer or agent by whom such lost, destroyed, or stolen original check was issued is dead or no longer in the service of the United States it shall be the duty of the proper accounting officer under such regulations as the Secretary of the Treasury may prescribe, to state an account in favor of the owner of such original check for the amount thereof and to charge such amount to the account of such officer or agent: *Provided*, That in case a check drawn by any officer or agent of the Post-Office Department is lost, stolen, or destroyed a duplicate thereof may be issued under regulations prescribed by the Postmaster-General as set forth in section thirty-six hundred and forty-six."

¹Sec. 3646, R. S., has been amended several times—first by act Feb. 18 1885, 23 Stat. L., 306; then by act Mar. 23, 1906, 34 Stat. L., 84, and act June 19, 1906, 34 Stat. L., 301; and lastly, by act Feb. 23, 1909.

That section forty-seven hundred and sixty-six, title fifty-seven, of the Revised Statutes of the United States is hereby amended to read as follows:

Act Aug. 8,
1882, 22 Stat. L.,
373, c. 469.
Sec. 4766
amended.

“SEC. 4766. Hereafter no pension shall be paid to any person other than the pensioner entitled thereto, nor otherwise than according to the provisions of this title; and no warrant, power of attorney, or other paper executed or purporting to be executed by any pensioner to any attorney, claim agent, broker, or other persons shall be recognized by any agent for the payment of pensions, nor shall any pension be paid thereon; but the payment to persons laboring under legal disabilities may be made to the guardians of such persons in the manner herein prescribed, and pensions payable to persons in foreign countries may be made according to the provisions of existing laws: *Provided*, That in case of an insane invalid pensioner having no guardian, but having a wife or children dependent upon him (the wife being a woman of good character), the Commissioner of Pensions is hereby authorized, in his discretion, to cause the pension to be paid to the wife, upon her properly-executed voucher, or in case there is no wife, to the guardian of the children, upon the properly-executed voucher of such guardian, and in like manner to cause the pension of invalid pensioners who are or may hereafter be imprisoned as punishment for offenses against the laws to be paid while so imprisoned to their wives or the guardians of their children. And pensions to Indian pensioners residing in the Indian Territory may be paid in person by the pension agent, upon a suitable voucher, at some convenient point in said Territory, which, together with the form and manner of identification of the pensioners, may be prescribed by the Secretary of the Interior; such payments to be made in standard silver, at least once in each current year. And payments in person shall be made to the pensioner, in cash, by the pension agent whenever in the discretion of the Commissioner of Pensions such personal payment shall be by him deemed necessary or proper to secure to the pensioner his rights; and the necessary and actual expenses of such pension agent in making such payments shall be paid by the Secretary of the Interior upon properly-executed vouchers, out of the contingent fund appropriated for the use of the Pension Office. The commissioner may, when in his judgment it shall be deemed necessary or proper, visit in person, for

Pensions to be paid only to persons entitled.

except persons laboring under legal disabilities.

Insane pensioner; pension may be paid to his wife.

Also in case of pensioner imprisoned.

Indian pensioners residing in Indian Territory, payment.

Inspection of pension agencies and boards of examining surgeons.

the purpose of examination and inspection, or may send any one or more of the officers of his bureau for that purpose, any of the pension agencies or medical examining boards or surgeons; and the necessary and actual expenses of such visits shall be paid by the Secretary of the Interior upon properly executed vouchers, out of the contingent fund of said bureau."

Act Mar. 3,
1899, 30 Stat. L.,
1379, c. 460.
Sec. 4766
amended.

That section forty-seven hundred and seventy-six, Title fifty-seven, of the Revised Statutes of the United States be, and the same is hereby, amended by adding thereto the following additional provisions and provisos, to wit: *Provided further*, That in case a resident pensioner of the United States shall for a period of over six months desert his lawful wife, she being a woman of good moral character and in necessitous circumstances, or, if he have no lawful wife, shall desert his legitimate minor child or children under sixteen years of age, or his permanently helpless and dependent child, the Commissioner of Pensions is hereby directed, upon being satisfied by competent evidence of such desertion, to cause one-half of the pension due or to become due said pensioner during the continuance of such desertion to be paid to the wife, or in case there is no wife, to the legal guardian of the child or children: *Provided further*, That when a soldier or sailor enters into a State home for soldiers or sailors as an inmate thereof, one-half of his pension accruing during his residence therein shall be paid to his wife, she being a woman of good moral character and in necessitous circumstances, or if there be no wife, then to his child or children under sixteen years of age, or his permanently helpless and dependent child, if any, unless such wife and children shall also be inmates of the same institution or of some home provided for the wives and children of soldiers and sailors: *Provided further*, That if any such pensioner is or shall become an inmate of a National Soldiers' Home one-half of the pension drawn in his behalf or to which he may become entitled during his residence therein shall be paid by the treasurer of that institution to such pensioner's wife, she being in necessitous circumstances and a woman of good moral character, or, if there be no wife, to the legal guardian of the minor child or children, or the permanently dependent and helpless child or children of such pensioner, on the order of the Commissioner of Pensions: *Provided further*, That hereafter no pension under any law of the United States shall be granted, allowed, or paid to the widow of a soldier, sailor, officer,

Desertion of family by pensioner; Commissioner directed to pay one-half of pension to wife, child, etc.

Pensioner inmate of State home; one-half of pension paid to wife, minor child, etc.

Pensioner inmate of National Home; one-half of pension paid to wife, minor child, etc.

Payment of pension to widows; conditions as to date of marriage.

naval or military, marine, marine officer, or any other male person entitled to a pension under any law of the United States, unless it shall be proved and established that the marriage of such widow to the soldier, sailor, officer, marine, or other person on account of whose service the pension is asked, was duly and legally contracted and entered into prior to the passage of this act, or unless such wife shall have lived and cohabited with such soldier, sailor, officer, marine, marine officer, or other person continuously from the date of the marriage to the date of his death, or unless the marriage shall take place hereafter and prior to or during the military or naval service of the soldier, sailor, officer, marine, or other person on account of whose service the pension is asked or claimed. This proviso shall not apply to or affect the widow of any soldier, sailor, marine, officer, or marine officer serving or who has served in the war between the United States and the Kingdom of Spain.

In all cases the questions of desertion, entrance into a home, necessitous circumstances, and of good moral character shall be ascertained and determined by the Commissioner of Pensions under such rules and regulations as he shall prescribe, and the treasurers or governors of the several soldiers' and sailors' homes shall be advised of such action from time to time.

* * * *Provided further*, That hereafter no pensions shall be paid upon power of attorney from pensioners residing in foreign countries.

Questions of desertion, etc., to be investigated by Commissioner of Pensions.

* * * *And provided further*, That so much of the fourth proviso of an Act entitled "An Act making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June thirtieth, eighteen hundred and ninety-four, and for other purposes," approved March first, eighteen hundred and ninety-three, which reads as follows: "That from and after July first, eighteen hundred and ninety-three, no pension shall be paid to a nonresident who is not a citizen of the United States, except for actual disabilities incurred in the service," be and the same is hereby repealed.

Act Mar. 14, 1898, 30 Stat. L., 276, c. 60, part. Pensions of foreign residents not paid on powers of attorney.

Act Mar. 2, 1895, 28 Stat. L., 703, c. 161, part. Repeal of provision against payment to non-residents.

The fact that one to whom a pension has been granted for wounds or disability received in the military service has not contributed to the funds of the Soldiers' Home shall not preclude him from admission thereto. But all such pensioners shall surrender their pensions to the

Sec. 4820, R. S. Rights of pensioners and surrender of pensions.

Mar. 3, 1851, c. 25, sec. 5, v. 9, p. 596.

Soldiers' Home during the time they remain therein and voluntarily receive its benefits.

Act Mar. 3,
1883, 22 Stat. L.,
564, c. 130, sec. 4,
Soldiers' Home,
Washington, D.C.
Pensioners in-
mates of home
can allot portion
of pension, etc.
Pensions, etc.,
to be paid to
treasurer.

That any inmate of the Home¹ who is receiving a pension from the Government, and who has a child, wife, or parent living, shall be entitled, by filing with the pension agent from whom he receives his money a written direction to that effect, to have his pension, or any part of it, paid to such child, wife, or parent. The pensions of all who now are or shall hereafter become inmates of the Home, except such as shall be assigned as aforesaid, shall be paid to the treasurer of the Home. The money thus derived shall not become a part of the funds of the Home, but shall be held by the treasurer in trust for the pensioner to whom it would otherwise have been paid, and such part of it as shall not sooner have been paid to him shall be paid to him on his discharge from the institution. The board of commissioners may from time to time pay over to any inmate such part of his pension-money as they think best for his interest and consistent with the discipline and good order of the Home, but such pensioner shall not be entitled to demand or have the same so long as he remains an inmate of the Home. In case of the death of any pensioner, any pension money due him and remaining in the hands of the treasurer shall be paid to his legal heirs, if demand is made within three years; otherwise the same shall escheat to the Home.

Pension paid in
full on discharge
of pensioner from
the home.

Death of pensioner;
money due, etc., paid to
legal heirs.

Sec. 4813, R. S.
Naval Home at
Philadelphia, or
naval hospital.

Whenever any Navy officer, seaman, or marine, entitled to a pension, is admitted to a Navy hospital, the pension, during his continuance in the hospital, shall be paid to the Secretary of the Navy and deducted from the account of such pensioner.

Act May 4,
1898, 30 Stat. L.,
377, c. 234, part.
Sec. 4813, R. S.,
amended.

Pension of in-
mates of Naval
Home, Philadel-
phia, or a naval
hospital, paid to
Secretary of the
Navy.

And whenever any officer, seaman, or marine entitled to a pension is admitted to the Naval Home at Philadelphia² or to a naval hospital, his pension, while he re-

¹ The Soldiers' Home at Washington, D. C., was established by the act of March 3, 1851. Under sec. 4821, R. S., the following persons are entitled to admission: First, every soldier of the United States who served or may serve honestly and faithfully 20 years in the same. Second, every soldier and every discharged soldier, whether Regular or Volunteer, who has suffered or may suffer by reason of disease or wounds incurred in the service and in the line of his duty, rendering him incapable of further military service, if such disability was not occasioned by his own misconduct. Third, the invalid and disabled soldiers, whether Regular or Volunteer, of the War of 1812 and of all subsequent wars.

Applications for admission may be obtained from the Board of Managers of the Soldiers' Home, Washington, D. C.

² The Naval Home at Philadelphia, Pa., was instituted under the provisions of sec. 4810, R. S., and qualifications for admission thereto may be obtained from the Secretary of the Navy, Washington, D. C.

mains there, shall be deducted from his accounts and paid to the Secretary of the Navy for the benefit of the fund from which such home or hospital, respectively, is maintained; and section forty-eight hundred and thirteen of the Revised Statutes of the United States is hereby amended accordingly.

Reenacted in
naval service ap-
propriation act
Mar. 3, 1899, 30
Stat. L., 1024.

All pensions payable or to be paid under this act, to pensioners who are inmates of the National Home for Disabled Volunteer Soldiers¹ shall be paid to the treasurer or treasurers of said home, upon security given to the satisfaction of the managers to be disbursed for the benefit of the pensioners without deduction for fines or penalties under regulations to be established by the managers of the home, said payment to be made by the pension agent upon a certificate of the proper officer of the home that the pensioner is an inmate thereof and is still living. Any balance of the pension which may remain at the date of the pensioner's discharge shall be paid over to him, and in case of his death at the home the same shall be paid to the widow, or children or in default of either to his legal representatives.

Act Feb. 26,
1881, 21 Stat. L.,
350, c. 80, sec. 2.
Regulating
payment of pen-
sions to inmates
of National Sol-
diers' Home.

Disposition of
accrued pension
of inmates at dis-
charge or death.

That all pensions and arrears of pensions payable or to be paid to pensioners who are or may become inmates of the National Home for Disabled Volunteer Soldiers shall be paid to the treasurers of said home, to be applied by such treasurers as provided by law, under the rules and regulations of said home. Said payments shall be made by the pension agent upon a certificate of the proper officer of the home that the pensioner is an inmate thereof on the day to which said pension is drawn. The treasurers of said home, respectively, shall give security, to the satisfaction of the managers of said home, for the payment and application by them of all arrears of pension and pension-moneys they may receive under the

Act Aug. 7,
1882, 22 Stat., L.
322, c. 433, part.
Pensions, etc.,
due inmates of
National Home
to be paid to
treasurers, etc.

¹ Admission to the National Home for Disabled Volunteer Soldiers is governed by the provisions of sec. 4832 and amendatory acts (act May 16, 1900; act Jan. 28, 1901; act May 27, 1908; act Mar. 4, 1909) and is limited to all honorably discharged soldiers and sailors who served in the Regular or Volunteer forces of the United States in any war, the provisional army authorized by the act of Mar. 2, 1899, in any of the campaigns against hostile Indians or who have served in the Philippines, in China, or in Alaska who are disabled by disease, wounds, or otherwise and who have no adequate means of support, are not otherwise provided for by law, and by reason of such disability are incapable of earning a living.

Applications for admission may be obtained from the Board of Managers, National Home for Disabled Volunteer Soldiers, 346 Broadway, New York, N. Y., or from the governor of the nearest branch home.

aforesaid provision. And section two of the act entitled "An act making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June thirtieth, eighteen hundred and eighty-two, and for deficiencies, and for other purposes," approved February twenty-sixth, eighteen hundred and eighty-one, is hereby revived and continued in force.

Act Feb. 26,
1881, 21 Stat. L.,
350.

* * * Hereafter any balance of pension money due a member of the National Home for Disabled Volunteer Soldiers at the time of his death shall be paid to his widow, minor children, or dependent mother or father in the order named, and should no widow, minor child, or dependent parent be discovered within one year from the time of the death of the pensioner, said balance shall be paid to the post fund of the Branch of said National Home of which the pensioner was a member at the time of his death, to be used for the common benefit of the members of the Home under the direction of the Board of Managers, subject to future reclamation by the relatives hereinbefore designated, upon application filed with the Board of Managers within five years after the pensioner's death.

Act July 1, 1902,
32 Stat. L., 564,
c. 1551, part.
Disposition of
accrued pension
due inmates of
National Home
for Disabled Vol-
unteer Soldiers at
time of death.

Hereafter the application of any person for membership in the National Home for Disabled Volunteer Soldiers and the admission of the applicant thereunder shall be and constitute a valid and binding contract between such applicant and the Board of Managers of said home that on the death of said applicant while a member of such home, leaving no heirs at law nor next of kin, all personal property owned by said applicant at the time of his death, including money or choses in action held by him and not disposed of by will, whether such property be the proceeds of pensions or otherwise derived, shall vest in and become the property of said Board of Managers for the sole use and benefit of the post fund of said home, the proceeds to be disposed of and distributed among the several branches as may be ordered by said Board of Managers, and that all personal property of said applicant shall, upon his death while a member, once pass to and vest in said Board of Managers, subject to be reclaimed by any legatee or person entitled to take the same by inheritance at any time within five years after the death of such member. The Board of Managers

Act June 25,
1910, 36 Stat. L.,
736, c. 384, part.
National Home
for Disabled Vol-
unteer Soldiers.
Application.
Disposition of
property of in-
mates to be part
of.
Use for post
fund.

Notice to appli-
cants.

is directed to so change the form of application for membership as to give reasonable notice of this provision to each applicant and as to contain the consent of the applicant to accept membership upon the conditions herein provided.

* * * *Provided*, That no part of the foregoing appropriations shall be expended for any purpose at any branch of the National Home for Disabled Volunteers that maintains or permits to be maintained on its premises a bar, canteen, or other place where beer, wine, or other intoxicating liquors are sold.¹

Act Mar. 4, 1911, 36 Stat. L., 1412, c. 285, part. National Home for Disabled Volunteer Soldiers, appropriation for. Proviso. Intoxicants.

State or Territorial homes for disabled soldiers and sailors: For continuing aid to State or Territorial homes for the support of disabled volunteer soldiers, in conformity with the act approved August twenty-seventh, eighteen hundred and eighty-eight,² including all classes of soldiers admissible to the National Home for Disabled Volunteer Soldiers, one million two hundred thousand: *Provided*, That no part of this appropriation shall be apportioned to any State or Territorial home that maintains a bar or canteen where intoxicating liquors are

State or Territorial homes.

25 Stat. L., 450.

Proviso.

Intoxicants.

¹ Restriction first contained in act June 30, 1906, 34 Stat. L., 749, c. 2914.

² That all States or Territories which have established, or which shall hereafter establish, State homes for disabled soldiers and sailors of the United States who served in the War of the Rebellion, or in any previous war, who are disabled by age, disease, or otherwise, and by reason of such disability are incapable of earning a living, provided such disability was not incurred in service against the United States, shall be paid for every such disabled soldier or sailor who may be admitted and cared for in such home at the rate of one hundred dollars per annum. The number of such persons for whose care any State or Territory shall receive the said payment under this act shall be ascertained by the Board of Managers of the National Home for Disabled Volunteer Soldiers, under such regulations as it may prescribe, but the said State or Territorial homes shall be exclusively under the control of the respective State or Territorial authorities, and the Board of Managers shall not have nor assume any management or control of said State or Territorial homes. The Board of Managers of the National Home shall, however, have power to have the said State or Territorial homes inspected at such times as it may consider necessary, and shall report the result of such inspections to Congress in its annual report.

Act Aug. 27, 1888, 25 Stat. L., 450, c. 914, sec. 1. Disabled soldiers and sailors. Aid to State homes for.

Board of Managers of National Home to make rules, etc.

Inspection.

Sec. 2, id. Appropriation.

Payments.

That the sum of two hundred and fifty thousand dollars, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to carry out the provisions of this act, and payments to the States or Territories under it shall be made quarterly by the said Board of Managers for the National Home for Disabled Volunteers to the officers of the respective States or Territories entitled, duly authorized to receive such payments, and shall be accounted for as are the appropriations for the support of the National Home for Disabled Volunteer Soldiers.

Collections from inmates.

sold: ¹ *Provided further*, That for any sum or sums collected in any manner from inmates of such State or Territorial homes to be used for the support of said homes a like amount shall be deducted from the aid herein provided for, but this proviso shall not apply to any State or Territorial home into which the wives or widows of soldiers are admitted and maintained.²

Act May 28, 1908, 35 Stat. L., 419, c. 208, part. State or Territorial homes, pensions of inmates to be paid direct.

That from and after the passage of this Act all pensioners who may be inmates of any soldiers' and sailors home, or other institution maintained by any State for the benefit of dependent or other disabled volunteer soldiers, shall have their respective pensions paid to them directly instead of to the treasurer or other officer of the home or institution at which they may be respectively located.

Act Aug. 7, 1882, 22 Stat. L., 329, c. 433, part. Those entitled to admission to Government Hospital for the Insane.

GOVERNMENT HOSPITAL FOR THE INSANE: For current expenses of the Government Hospital for the Insane For support, clothing, and treatment in the Government Hospital for the Insane of the insane of the Army and Navy, Marine Corps, and Revenue-Cutter Service, and those committed from the National Homes for Disabled Volunteer Soldiers, and persons charged with or convicted of crimes against the United States, and of all persons who have become insane since their entry into the military or naval service of the United States, and who are indigent, and of the indigent insane of the District of Columbia, two hundred and two thousand five hundred dollars; and not exceeding one thousand dollars of this sum may be expended in defraying the expense of the removal of patients to their friends; and that hereafter the surplus products and waste material of the hospital may be sold or exchanged for the benefit of the hospital and proceeds to be used and accounted for the same as if

Indigent insane of the District of Columbia.

Insane persons from National Home for Disabled Volunteer Soldiers to be admitted, etc.

other funds: *Provided*, That in addition to the persons now entitled to admission to said hospital, any inmate of the National Home for Disabled Volunteer Soldiers who is now or may hereafter become insane shall, upon a order of the president of the board of managers of the said National Home, be admitted to said hospital and treated therein; and if any inmate so admitted from said National Home is or thereafter becomes a pensioner, an

¹ Restriction first contained in act Apr. 28, 1904, 33 Stat. L., 50 c. 1762.

² Restriction first contained in act Mar. 4, 1909, 35 Stat. L., 10 c. 299. Calif - Digitized by Microsoft®

has neither wife, minor child, nor parent dependent on him, in whole or in part, for support, his arrears of pension and his pension money accruing during the period he shall remain in said hospital shall be applied to his support in said hospital, and be paid over to the proper officer of said institution for the general uses thereof.

That the proviso in the Act approved August seventh, eighteen hundred and eighty-two, appearing on page three hundred and thirty of the Twenty-second Statutes at Large, and relating to pensions of inmates of the Government Hospital for the Insane, is hereby stricken out and the following inserted:

Provided, That in addition to the persons now entitled to admission to said hospital, any inmate of the National Home for Disabled Volunteer Soldiers who is now or may hereafter become insane shall, upon an order of the president of the Board of Managers of the said National Home, be admitted to said hospital and treated therein. During the time that any pensioner shall be an inmate of the Government Hospital for the Insane all money due or becoming due upon his or her pension shall be paid by the pension agent to the superintendent of the hospital, upon a certificate by such superintendent that the pensioner is an inmate of the hospital and is living, and such pension money shall be by said superintendent disbursed and used, under regulations to be prescribed by the Secretary of the Interior, for the benefit of the pensioner, and, in the case of a male pensioner, his wife, minor children, and dependent parents, or, if a female pensioner, her minor children, if any, in the order named, and to pay his or her board and maintenance in the hospital; the remainder of such pension money, if any, to be placed to the credit of the pensioner and to be paid to the pensioner or the guardian of the pensioner in the event of his or her discharge from the hospital; or, in the event of the death of said pensioner while an inmate of said hospital, shall, if a female pensioner, be paid to her minor children, and, in the case of a male pensioner, be paid to his wife, if living; if no wife survives him, then to his minor children; and in case there is no wife nor minor children, then the said unexpended balance to his or her credit shall be applied to the general uses of said hospital: *Provided further*, That in the case of pensioners transferred to the hospital from the National Home for Disabled Volunteer Soldiers, any

Act Feb. 20,
1905, 33 Stat. L.,
731, c. 593.
Act Aug. 7, 1882,
amended.

Government
Hospital for the
Insane.

Those entitled
to admission.

Pension money
due inmates
paid to superin-
tendent.

Disposition of
accrued pension
on death of in-
mate.

Disposition of
accumulated
funds with treas-
urers of national
homes on trans-
fer of inmate to
Government
Hospital for the
Insane.

pension money to his credit at said Home at the time of his said transfer shall be transferred with him to said hospital and placed to his credit therein, to be expended as hereinbefore provided; and in case of his return from said hospital to the Home, any balance to his credit at said hospital shall, in like manner, be transferred to said Home, to be expended in accordance with the rules established in regard thereto. This provision shall also be applicable to all unexpended pension money heretofore paid to the officers of the said hospital on account of pensioners who were but are not now inmates thereof.

Act June 30,
1906, 34 Stat. L.,
730, c. 3914, part.

Deposit of
pension moneys
of deceased in-
mates in Treas-
ury. Vol. 33, p.
731.

Covered into
Treasury after
five years if un-
claimed.

All moneys belonging to deceased inmates of the Government Hospital for the Insane and deposited in the Treasury by the superintendent as agent prior to February twentieth, nineteen hundred and five, shall, if unclaimed by the legal heirs of such inmate within the period of five years from the date of the passage of this Act, be covered into the Treasury, and all moneys so deposited by the superintendent as agent after February twentieth, nineteen hundred and five, and belonging to inmates who have died since that time, or may hereafter die, shall likewise be covered into the Treasury unless claimed by his or her legal heirs within five years from the death of the inmate. And the superintendent of the Government Hospital for the Insane is hereby authorized and directed, under such regulations as may be prescribed by the Secretary of the Interior, to make diligent inquiry in every instance after the death of an inmate to ascertain the whereabouts of his or her legal heirs. Claims may be presented hereunder at any time, and when established by competent proof in any case not more than five years after the death of an inmate shall be certified to Congress for consideration.

Act Feb. 2, 1909,
35 Stat. L., 592,
c. 58, sec. 1.

Sec. 4839, R. S.,
amended.

Government
Hospital for the
Insane.

Superintendent,
salary increased.

That section forty-eight hundred and thirty-nine of the Revised Statutes be, and the same is hereby, amended as to read as follows:

“SEC. 4839. The chief executive officer of the Government Hospital for the Insane shall be a superintendent who shall be appointed by the Secretary of the Interior. He shall be entitled to a salary of four thousand dollars a year, and shall give bond for the faithful performance of his duties in such sum and with such securities as may be required by the Secretary of the Interior. The superintendent shall be a well-educated physician, possessi

competent experience in the care and treatment of the insane; he shall reside on the premises and devote his whole time to the welfare of the institution; he shall, subject to the approval of the board of visitors, appoint a responsible disbursing agent for the institution, who shall give a bond satisfactory to the Secretary of the Interior, and the said superintendent shall engage and discharge all needful and useful employees in the care of the insane and all laborers on the farm and determine their wages and duties; he shall also be an ex officio secretary of the board of visitors. The said disbursing agent, under the direction of the superintendent, shall have the custody of and pay out all moneys appropriated by Congress for the Government Hospital for the Insane, or otherwise received for the purposes of the hospital, and all moneys received by the superintendent in behalf of the hospital or its patients, and keep an accurate account or accounts thereof. The said disbursing agent shall deposit in the Treasury of the United States, under the direction of the superintendent, all funds now in the hands of the superintendent or which may hereafter be intrusted to him by or for the use of patients, which shall be kept in a separate account; and the said disbursing agent is authorized to draw therefrom, under the direction of the said superintendent, from time to time, under such regulations as the Secretary of the Interior may prescribe, for the use of such patients, but not to exceed for any one patient the amount intrusted to the superintendent on account of such patient. During the time that any pensioner shall be an inmate of the Government Hospital for the Insane, all money due or becoming due upon his or her pension shall be paid by the pension agent to the superintendent or disbursing agent of the hospital, upon a certificate by such superintendent that the pensioner is an inmate of the hospital and is living, and such pension money shall be by said superintendent or disbursing agent disbursed and used, under regulations to be prescribed by the Secretary of the Interior, for the benefit of the pensioner, and, in case of a male pensioner, his wife, minor children, and dependent parents, or, if a female pensioner, her minor children, if any, in the order named, and to pay his or her board and maintenance in the hospital, the remainder of such pension money, if any, to be placed to the credit of the pensioner and to be paid to the pensioner or the guardian of the pensioner in the event of his or her discharge from the hospital; or, in

Disbursing agent; bond; duties.

Deposit of funds.

Separate account.

Disbursement of pensions of inmates.

Use of remainder of pension, etc.

Proviso. Transfer of balances, etc., from Volunteer Soldier's Home.

Sec. 2, id. Repeal.

Act Mar. 2, 1895, 28 Stat. L., 964, c. 193.

Accrued pensions; how and to whom paid.

Not assets of estate.

Reimbursement expenses of last sickness and burial.

the event of the death of said pensioner while an inmate of said hospital, shall, if a female pensioner, be paid her minor children, and, in the case of a male pensioner, be paid to his wife, if living; if no wife survives him, then to his minor children; and in case there is no wife and no minor children, then the said unexpended balance to his or her credit shall be applied to the general uses of said hospital: *Provided*, That in the case of any pensioner transferred to the hospital from the National Home for Disabled Volunteer Soldiers, any pension money to his credit at said home at the time of his transfer shall be transferred with him to said hospital and placed to his credit therein, to be expended as hereinbefore provided, and in case of his return from said hospital to the home any balance to his credit at said hospital shall in like manner be transferred to said home to be expended in accordance with the rules established in regard thereto, and this provision shall also be applicable to all unexpended pension money heretofore paid to the officers of said hospital on account of pensioners who were but are not now inmates thereof."

That all provisions of law inconsistent with this act are hereby repealed.

That from and after the twenty-eighth day of September, eighteen hundred and ninety-two, the accrued pension to the date of the death of any pensioner, or of any person entitled to a pension having an application therefor pending, and whether a certificate therefor shall issue prior or subsequent to the death of such person, shall, in the case of a person pensioned, or applying for pension on account of his disabilities or service, be paid, first, to his widow; second, if there is no widow, to his child or children under the age of sixteen years at his death; third, in case of a widow, to her minor children under the age of sixteen years at her death. Such accrued pension shall not be considered a part of the assets of the estate of such deceased person, nor be liable for the payment of the debts of said estate in any case whatsoever, but shall inure to the sole and exclusive benefit of the widow or child or children. And if no widow or child survive such pensioner, and in the case of his last surviving child who was such minor at his death, and in case of a dependent mother, father, sister, or brother, no payment whatsoever of their accrued pension shall be made or allowed except so much as may be necessary to reimburse the person who bore

expense of their last sickness and burial, if they did not have sufficient assets to meet such expense. And the mailing of a pension check, drawn by a pension agent in payment of a pension due, to the address of a pensioner, shall constitute payment in the event of the death of a pensioner subsequent to the execution of the voucher herefor. And all prior laws relating to the payment of accrued pension are hereby repealed.

Mailing check to be payment.

Prior laws repealed.

That hereafter the settlement of all claims for the reimbursement of expenses of the last sickness and burial of deceased pensioners shall be under the direction of the Commissioner of Pensions.¹

Act Mar. 4, 1909, 35 Stat. L., 1058, c. 302, part.

Commissioner of Pensions to settle reimbursement claims.

* * * and no part of any accrued pension shall hereafter be used to reimburse any State, county, or municipal corporation for expenses incurred by such State, county, or municipal corporation under State law or expenses of the last sickness or burial of a deceased pensioner. * * *

Act Mar. 3, 1905, 33 Stat. L., 1169, c. 1483, part.

Accrued pension not to be paid as reimbursement to State, county, or municipal corporation.

The failure of any pensioner to claim his pension for three years after the same shall have become due shall be deemed presumptive evidence that such pension has legally terminated by reason of the pensioner's death, remarriage, recovery from the disability, or otherwise, and the pensioner's name shall be stricken from the list of pensioners, subject to the right of restoration to the same on a new application by the pensioner, or, if the pensioner is dead, by the widow or minor children entitled to receive the accrued pension, accompanied by evidence satisfactorily accounting for the failure to claim such pension, and by medical evidence in cases of invalids who were not exempt from biennial examinations as to the continuance of the disability.

Sec. 4719, R. S. Unclaimed pensions; disposition of.

Sec. 26, Mar. 3, 1873, 17 Stat. L., 574.

No sum of money due, or to become due, to any pensioner, shall be liable to attachment, levy, or seizure by or under any legal or equitable process whatever, whether the same remains with the Pension-Office, or any officer or agent thereof, or is in course of transmission to the pensioner entitled thereto, but shall inure wholly to the benefit of such pensioner.

Sec. 4747, R. S. Pension not liable to attachment.

Sec. 33, Mar. 3, 1873, 17 Stat. L., 578; sec. 3, June 6, 1866, 14 Stat. L., 57; sec. 2, July 7, 1838, 5 Stat. L., 303.

¹ Reimbursement claims were formerly settled in the Treasury Department, jurisdiction over them having been conferred on the Commissioner of Pensions by this act.

...of their last wishes and should if they did not
 ...wishes, shall be as if they had expressed them.
 ...of a pension shall be a condition precedent
 ...of a pension shall be the right of a pensioner
 ...it continues payment in the event of the death of
 ...pensioner, subject to the condition of the pension
 ...And all laws relating to the payment of
 ...shall remain in force until repealed.
 ...The pensioner shall be entitled to all claims for the
 ...amount of expenses of the last illness and burial
 ...expenses shall be paid the division of the
 ...of the pensioner.
 ...and no part of any pension shall
 ...shall be used to reimburse any debt, or
 ...except for expenses incurred by the
 ...of the pensioner or unpaid expenses of the last
 ...expenses of the last illness or burial of a deceased
 ...pensioner.
 ...The amount of any pension to which the pensioner is
 ...entitled after the same shall have become due shall
 ...be determined by the pensioner's last will and testament,
 ...or, if there be no such will, by the laws relating to
 ...marriage, except from the ability or inability
 ...of the pensioner, which shall be taken from the list
 ...pensioners, subject to the right of extension to the
 ...as on a new application by the pensioner, or if the
 ...pensioner is dead, by the widow or other children en-
 ...titled to receive the unpaid pension, provided they
 ...are satisfactorily accounting for the failure to claim
 ...the pension and by medical witnesses in case of inability
 ...to work, or other cause from physical conditions as to
 ...continuance of the disability.
 ...The gain of money, due or to become due to any pen-
 ...sioner shall be liable to attachment by any creditor
 ...under any legal or equitable process whatsoever, whether
 ...in action remaining with the Pension Office or any other
 ...agent thereof, or in course of transmission to the
 ...pensioner entitled thereto, but shall remain subject to the
 ...claim of such pensioner.

...of a pension shall be a condition precedent

...And all laws relating to the payment of

...The pensioner shall be entitled to all claims for the

...amount of expenses of the last illness and burial

...expenses shall be paid the division of the

...of the pensioner.

...and no part of any pension shall

...shall be used to reimburse any debt, or

...except for expenses incurred by the

...of the pensioner or unpaid expenses of the last

...expenses of the last illness or burial of a deceased

...pensioner.

...The amount of any pension to which the pensioner is

...entitled after the same shall have become due shall

...be determined by the pensioner's last will and testament,

...or, if there be no such will, by the laws relating to

...marriage, except from the ability or inability

...of the pensioner, which shall be taken from the list

...pensioners, subject to the right of extension to the

...as on a new application by the pensioner, or if the

...pensioner is dead, by the widow or other children en-

...entitled to receive the unpaid pension, provided they
 ...are satisfactorily accounting for the failure to claim
 ...the pension and by medical witnesses in case of inability
 ...to work, or other cause from physical conditions as to
 ...continuance of the disability.

Chapter IX.

MISCELLANEOUS STATUTES, AND TABLES OF RATES.

- SEC. 4715, R. S. Two pensions not allowable; right of election.
- SEC. 4720, R. S. Pensions under special acts of Congress.
- ACT JUNE 6, 1874. Special act pensions equalized.
- ACT JULY 25, 1882. Pension under special act not to be additional to that allowed by general law unless the act specifically grants an additional pension.
- ACT MAR. 4, 1909. Additional pension granted by a special act to a widow or guardian on account of a helpless child not to affect the rate of pension to which the widow may be entitled independent of the additional allowance.
- RESOLUTION MAY 29, 1830. Report to be made to Congress in case of meritorious claim not provided for by existing law.
- JOINT RESOLUTION FEB. 1, 1884. Detail of clerks from Pension Office to the pension committees of the House of Representatives.
- SEC. 4716, R. S. Disloyalty bar to pension.
- ACT AUG. 1, 1892. Pensions to certain soldiers and sailors allowed, although they had engaged in the rebellion.
- JOINT RESOLUTION JULY 1, 1902, SEC. 1. Limitation of section 4716, R. S., as to disloyalty removed in certain cases.
- SEC. 4724, R. S. Both pension and pay not allowed unless, etc.
- ACT AUG. 29, 1890, AND ACT MAR. 3, 1891. Pensions not allowed to persons on the active or retired list of the Army, Navy, or Marine Corps.
- ACT MAY 27, 1908. Pensions not allowed to persons in the Revenue-Cutter Service.
- ACT DEC. 21, 1893. Pensions not to be withheld or suspended until after notice.
- SEC. 4733, R. S. Continuance of pension to certain persons.
- SEC. 4734, R. S. Pensions not to be withheld for debts due the United States.
- SEC. 224, R. S. Certificate of service in Army, given in lieu of lost discharge, not to be accepted as evidence.
- ACT MAY 15, 1886. Discharges to be issued to members of the Missouri Home Guards.
- ACT JUNE 25, 1910. Secretary of War and Secretary of the Navy authorized to issue certificates of discharge, etc., in true names of such persons as enlisted or served under assumed names, etc.
- SEC. 4749, R. S. Certain soldiers and sailors not to be deemed deserters.
- ACT AUG. 14, 1888. Relieving certain appointed and enlisted men of the Navy and Marine Corps from the charge of desertion.
- ACT MAY 24, 1900. Removing limitation as to time of filing claims under act Aug. 14, 1888.
- ACT MAR. 2, 1889. Charges of desertion removed from the records of certain volunteer soldiers.
- ACT MAR. 2, 1891. Amending act Mar. 2, 1889, as to minor's discharge by order of court.
- ACT JULY 27, 1892. Extending limitation as to time of filing applications under the act of Mar. 2, 1889.
- ACT MAR. 2, 1895. Removing limitation as to time of filing applications under the act of Mar. 2, 1889.
- ACT APRIL 26, 1898. Desertion from the army in time of war forfeits pensionable rights.
- ACT MAY 11, 1908. Desertion from the army forfeits pensionable rights.
- JOINT RESOLUTION FEB. 27, 1911. Modifying certain laws relating to the military records of certain soldiers and sailors so as to permit the allowance of pensions.
- SEC. 4701, R. S. Date when service terminates.
- JOINT RESOLUTION JULY 1, 1902, SEC. 2. As to final honorable discharge from the War of the Rebellion.
- JOINT RESOLUTION JUNE 28, 1906. Extending the provisions of section 2, joint resolution of July 1, 1902.
- ACT APR. 22, 1898, SEC. 12. Status of Spanish War volunteers in respect to pension rights.
- ACT MAY 28, 1896. Merchant-marine service, persons serving therein liable to draft in time of war, and entitled to pensions for wounds received.
- ACT MAR. 1, 1879. Pensioners in civil service, may be paid pension.

Sec. 4715, R. S.
Two pensions
not allowable.

Nothing in this Title shall be so construed as to allow more than one pension at the same time to the same person, or to persons entitled jointly; but any pensioner who shall so elect may surrender his certificate, and receive, in lieu thereof, a certificate for any other pension to which he would have been entitled had not the surrendered certificate been issued. But all payments previously made for any period covered by the new certificate shall be deducted from the amount allowed by such certificate.

Sec. 4720, R. S.
Pensions under
special acts.

When the rate, commencement, and duration of a pension allowed by special act are fixed by such act, they shall not be subject to be varied by the provisions and limitations of the general pension-laws, but when not thus fixed the rate and continuance of the pension shall be subject to variation in accordance with the general laws, and its commencement shall date from the passage of the special act, and the Commissioner of Pensions shall, upon satisfactory evidence that fraud was perpetrated in obtaining such special act, suspend payment thereupon until the propriety of repealing the same can be considered by Congress.

Commissioner's
authority in cases
of suspected
fraud.

Act June 6, 1874,
18 Stat. L., 61, c.
219.

See sec. 4720,
R. S.
Special-act pen-
sions equalized.

That all persons entitled to pensions under special acts fixing the rate of such pensions, and now receiving or entitled to receive a less pension than that allowed by the general pension laws under like circumstances, are, in lieu of their present rate of pension, hereby declared to be entitled to the benefits and subject to the limitations of the general pension-laws, entitled "An act to revise, consolidate, and amend the laws relating to pensions," approved March third, eighteen hundred and seventy-three; and that this act go into effect from and after its passage: *Provided*, That this act shall not be construed to reduce any pension granted by special act.

Act July 25,
1882, 22 Stat. L.,
176, c. 349, sec. 5.
Pension under
special act not to
be in addition to
that allowed by
general law, ex-
cept.

That no person who is now receiving or shall hereafter receive a pension under a special act shall be entitled to receive in addition thereto a pension under the general law, unless the special act expressly states that the pension granted thereby is in addition to the pension which said person is entitled to receive under the general law.

Act Mar. 4, 1909,
35 Stat. L., 1058,
c. 302, part.

Additional pen-
sion because of
helpless child;
prior rate to wid-
ow not affected.

That when an additional pension has been, or may hereafter be, granted by special act to a widow or guardian on account of a helpless child, such additional pension shall in no wise affect the rate of pension the widow may be entitled to independent of such additional allowance.

That the heads of department, who may severally (be) charged with the administration of the pension laws of the United States of America, be, and they hereby are, respectively, directed and required, as soon as may be after the opening of each session of Congress, to present to the Senate and House of Representatives, a several list of such persons, whether revolutionary, invalid, or otherwise, as shall have made application for a pension, or an increase of pension, and as, in their opinion, respectively, ought to be placed upon the pension roll or otherwise provided for, and for doing which they have no sufficient power or authority, with the names and residence of such persons, the capacity in which they served, the degree of relief proposed, and a brief statement of the grounds thereof, to the end that Congress may consider the same.

Resolution May 29, 1830, 4 Stat. L., 430, Pub. Res. 7.
Secretary of Interior to make report to Congress of meritorious claims not provided for by law.

That the Secretary of the Interior be, and is hereby, authorized if in his opinion the public interests will not suffer thereby, upon the request of either of the committees hereinafter named, to detail from that department one clerk to act as assistant clerk to the House Committee on Pensions, and one clerk to act as assistant clerk to the House Committee on Invalid Pensions.

Resolution Feb. 1, 1884, 23 Stat. L., 266, J. Res. 4.
Detail of clerks from Department of Interior for service on committees of House.

No money on account of pension shall be paid to any person, or to the widow, children, or heirs of any deceased person, who in any manner voluntarily engaged in, or aided or abetted, the late rebellion against the authority of the United States.¹

Sec. 4716, R. S. Loyalty requisite.
Sec. 23, Mar. 3, 1873, 17 Stat. L., 573; sec. 4, July 14, 1862, 12 Stat. L., 567.

That the act entitled "An act amending the pension law so as to remove the disability of those who, having participated in the rebellion, have since its termination enlisted in the Army of the United States, and become disabled," approved, March third, eighteen hundred and seventy-seven,² be, and the same is hereby, amended so as to read as follows:

Act Aug. 1, 1892, 27 Stat. L., 340, c. 351.
Pensions to soldiers and sailors in certain cases allowed though they had engaged in rebellion.

"That the law prohibiting the payment of any money on account of pensions to any person, or to the widow, children, or heirs of any deceased person who, in any man-

Act Mar. 3, 1877, 19 Stat. L., 403, as amended; sec. 4716, R. S.

¹ Limitation imposed by sec. 4716, R. S., is removed in specified cases by the following statutes: Act Mar. 9, 1878, 20 Stat. L., 28, c. 28, sec. 5; act Jan. 29, 1887, 24 Stat. L., 372, c. 70, sec. 5; act July 27, 1892, 27 Stat. L., 282, c. 277, c. 6; act Aug. 1, 1892, 27 Stat. L., 340, c. 351; act Apr. 18, 1900, 31 Stat. L., 136, c. 244; act June 27, 1902, 32 Stat. L., 399, c. 1156; joint resolution July 1, 1902, 32 Stat. L., 750, pub. res., 42; act May 30, 1908, 35 Stat. L., 553, c. 230.

² Act of Mar. 3, 1877, 19 Stat. L., 403, c. 120, related to the Army only; act of Aug. 1, 1892, extended the provisions of said act to include the Navy.

ner, engaged in or aided or abetted the late rebellion against the authority of the United States, shall not be construed to apply to such persons as afterward voluntarily enlisted in either the Navy or Army of the United States, and who, while in such service, incurred disability from a wound or injury received or disease contracted in the line of duty."

J. Res. July 1,
1902, 32 Stat. L.,
750; Pub. Res. 42,
sec. 1.

Construction
act June 27, 1890.
Limitation of
sec. 4716, R. S., re-
moved, except—

That the Act approved June twenty-seventh, eighteen hundred and ninety, entitled "An Act granting pension to soldiers and sailors who are incapacitated for the performance of manual labor, and providing for pensions to widows, minor children, and dependent parents," is construed and held to include all persons and the widows and minor children of all deceased persons, subject to the limitations of said act, who served for ninety days in the military or naval service of the United States during the late war of the rebellion, and who have been honorably discharged therefrom, and section forty-seven hundred and sixteen, Revised Statutes United States, is amended accordingly: *Provided, however,* That the foregoing shall not apply to those who served in the First, Second, Third, Fourth, Fifth, and Sixth Regiments United States Volunteer Infantry who had a prior service in the Confederate army or navy and who enlisted in said regiment while confined as prisoners of war under a stipulation that they were not to be pensionable under the laws of the United States,¹ nor to those who, having had such prior service, enlisted in the military or naval service of the United States after the first day of January, eighteen hundred and sixty-five.

as to certain reg-
iments, etc.

Sec. 4724, R. S.
Both pension
and pay not al-
lowed, unless,
etc.

Act Apr. 30,
1844, 5 Stat. L.,
657.

Sec. 1, Mar. 3,
1865, 13 Stat. L.,
499; sec. 5, June 6,
1866, 14 Stat. L.,
57, and act Mar. 1, 1879, 20 Stat. L., 327.

Act Aug. 29,
1890, 26 Stat. L.,
371, c. 820, sec. 2.
Officer on re-
tired list not en-
titled to pension.

No person in the Army, Navy, or Marine Corps shall draw both a pension as an invalid and the pay of his rank or station in the service, unless the disability for which the pension was granted be such as to occasion his employment in a lower grade, or in the civil branch of the service.

Hereafter no officer of the Army, Navy or Marine Corps on the retired list shall draw or receive any pension under any law.

¹ Under date of Feb. 17, 1903, the Commissioner of Pensions issued instructions that claims for pension filed by persons who served in any of the six regiments above named shall be treated the same as the claims of those persons who rendered service in other than the excepted regiments, upon the ground that no such stipulation as named in the regulations, either express or implied, was found of record in the War Department.

* * * *And provided further*, That hereafter no pension shall be allowed or paid to any officer, noncommissioned officer, or private in the Army, Navy, or Marine Corps of the United States, either on the active or retired list.

Act Mar. 3, 1891,
26 Stat. L., 1082,
c. 548, part.
Persons on active or retired list not allowed pension.

* * * *Provided*, That hereafter no pension shall be allowed or paid to any commissioned officer, warrant officer, or enlisted man in the Revenue-Cutter Service either on the active or retired list.

Act May 27,
1908, 35 Stat. L.,
322, c. 200, part.
Proviso.
No pension to be allowed.

* * * *Provided*, That any pension heretofore or that may hereafter be granted to any applicant therefor under any law of the United States authorizing the granting and payment of pensions, on application made and adjudicated upon, shall be deemed and held by all officers of the United States to be a vested right in the grantee to that extent that payment thereof shall not be withheld or suspended until, after due notice to the grantee of not less than thirty days, the Commissioner of Pensions, after hearing all the evidence, shall decide to annul, vacate, modify, or set aside the decision upon which such pension was granted. Such notice to grantee must contain a full and true statement of any charges or allegations upon which such decision granting such pension shall be sought to be in any manner disturbed or modified.

Act Dec. 21,
1893, 28 Stat. L.,
18, c. 3, part.
Pension not to be withheld or suspended until after notice.

All pensioners whose names are now on the pension-roll or who are entitled to restoration to the roll under any act of Congress, shall be entitled to the continuance of such pensions under the provisions and limitations of this Title, and to such further increase of pension as is herein provided.

Sec. 4733, R. S.
Continuance of pension to certain persons.

The provisions of law which allow the withholding of the compensation of any person who is in arrears shall not be construed to authorize the pension of any pensioner of the United States to be withheld.

Sec. 4734, R. S.
Pensions are not to be withheld.
Act May 20,
1836, 5 Stat. L.,
31.

Whenever satisfactory proof is furnished to the War Department that any noncommissioned officer or private soldier who served in the Army of the United States in the late war against the rebellion has lost his certificate of discharge, or the same has been destroyed without his privity or procurement, the Secretary of War shall be authorized to furnish, on request, to such noncommissioned officer or private a duplicate of such certificate of discharge, to be indelibly marked, so that it may be known as a duplicate; but such certificate shall not be

Sec. 224, R. S.
Loss of certificate of discharge.
Mar. 3, 1873, c. 248, sec. 1, v. 17, p. 582.

accepted as a voucher for the payment of any claim against the United States for pay, bounty, or other allowance, or as evidence in any other case.

Act May 15,
1886, 24 Stat. L.,
23, c. 327.

Missouri Home
Guards.

Discharges to
be issued to mem-
bers of.

That the Secretary of War be, and is hereby, authorized and directed to furnish, upon their several applications therefor, a certificate of discharge to each and every member of the Missouri Home Guards whose claims for pay were adjudicated by the Hawkins-Taylor Commission, under the act approved March twenty-fifth, eighteen hundred and sixty-two, and the several acts supplementary thereto.

Act June 25,
1910, 36 Stat. L.,
824, c. 393, sec. 1.,
26 Stat. L., 55,
amended.

Army and
Navy.

That the Act entitled "An Act for the relief of soldiers and sailors who enlisted or served under assumed names, while minors or otherwise, in the army or navy, during the war of the rebellion," approved April fourteenth, eighteen hundred and ninety, be, and the same is hereby, amended to read as follows:

Discharge cer-
tificates.

Issued in true
name of person
serving.

War with Spain
and Philippine
insurrection
added.

Restriction.

Sec. 2, id.
Title changed.

"That the Secretary of War and the Secretary of the Navy be, and they are hereby, authorized and required to issue certificates of discharge or orders of acceptance of resignation, upon application and proof of identity, in the true name of such persons as enlisted or served under assumed names, while minors or otherwise, in the Army and Navy during the war of the rebellion, the war with Spain, or the Philippine insurrection, and were honorably discharged therefrom. Applications for said certificates of discharge or amended orders of acceptance of resignation may be made by, or on behalf of, persons entitled to them; but no such certificate or order shall be issued where a name was assumed to cover a crime or to avoid its consequence."

That the title of said act be amended so as to read as follows: "An act for the relief of soldiers and sailors who enlisted or served under assumed names, while minors or otherwise, in the army or navy, during the war of the rebellion, the war with Spain, or the Philippine insurrection."

Sec. 4749, R. S.
Certain soldiers
and sailors not to
be deemed de-
serters.

Act July 19,
1867, 15 Stat. L.,
14.

No soldier or sailor shall be taken or held to be a deserter from the Army or Navy who faithfully served according to his enlistment until the nineteenth day of April, eighteen hundred and sixty-five, and who, without proper authority or leave first obtained, quit his command or refused to serve after that date; but nothing herein contained shall operate as a remission of an

forfeiture incurred by any such soldier or sailor of his pension; but this section shall be construed solely as a removal of any disability such soldier or sailor may have incurred by the loss of his citizenship in consequence of his desertion.¹

That the charge of desertion now standing on the rolls and records of the Navy or Marine Corps against any appointed or enlisted men of the Navy or Marine Corps who served in the late war may, in the discretion of the Secretary of the Navy, be removed in all cases where it shall be made to appear to the satisfaction of the Secretary of the Navy, from such rolls and records or from other satisfactory evidence, that any such appointed or enlisted man served faithfully until the expiration of his term of enlistment, or until the first day of May Anno Domini eighteen hundred and sixty-five, having previously served six months or more, or was prevented from completing his term of service by reason of wounds received or disease contracted in the line of duty, but who, by reason of absence from his command at the time he became entitled to his discharge, failed to be mustered out and to receive a discharge from the service: *Provided*, That no such appointed or enlisted man shall be relieved under this section who, not being sick or wounded, left his command, without proper authority, while the same was in presence of the enemy.

Act Aug. 14,
1888, 25 Stat. L.,
442, c. 890, sec. 1.
Desertion,
Navy or Marine
Corps.

Conditions.

That the Secretary of the Navy is hereby authorized to remove the charge of desertion standing on the rolls or records of the Navy or Marine Corps against any appointed or enlisted man of the Navy or Marine Corps who served in the late war, in all cases where it shall be made to appear, to the satisfaction of the Secretary of the Navy, from such rolls or from other satisfactory evidence, that such appointed or enlisted man charged with desertion or with absence without leave, after such charge of desertion or absence without leave, and within a reasonable time thereafter, voluntarily returned to and served in the line of his duty until he was mustered out of the service, and received a certificate of discharge therefrom, or, while so absent, and before the expiration of his term of enlistment, died from wounds, injury, or disease received or contracted in the service and in the line of duty.

Sec. 2, id.
Charge of, how
to be removed.

¹ See Sec. 2, joint resolution, July 1, 1902, and joint resolution, June 28, 1906, p. 146.

Sec. 3, id.
Enlistment
without dis-
charge from pre-
vious service.

That the charge of desertion now standing on the roll or records of the Navy or Marine Corps against any appointed or enlisted man of the Navy or Marine Corps who served in the late war, by reason of his having enlisted at any station or on board of any vessel of the Navy without having first received a discharge from the station or vessel in which he had previously served shall be removed in all cases wherein it shall be made to appear to the satisfaction of the Secretary of the Navy from such rolls and records, or from other satisfactory testimony, that such reenlistment was not made for the purpose of securing bounty or other gratuity that he would not have been entitled to had he remained under his original term of enlistment: *Provided*, That no appointed or enlisted man shall be relieved under this act who, not being sick or wounded, left his command without proper authority while the same was in presence of the enemy, or who, at the time of leaving his command was in arrest or under charges, or in whose case the period of absence from the service exceeded three months.

Sec. 4, id.
Certificate
discharge.

That in all cases where the charge of desertion shall be removed under the provisions of this act from the record of any appointed or enlisted man of the Navy or Marine Corps who has not received a certificate of discharge it shall be the duty of the Secretary of the Navy to issue to such appointed or enlisted man, or in case of his death, to his heirs or legal representatives, a certificate of discharge.

Sec. 5, id.
Pay and bounty;
those entitled.

That when the charge of desertion shall be removed under the provisions of this act from the record of an appointed or enlisted man of the Navy or Marine Corps such man, or, in case of his death, the heirs or legal representatives of such man, shall receive all pay and bounty which may have been withheld on account of such charge of desertion or absence without leave: *Provided, however* That this act shall not be so construed as to give to any such man as may be entitled to relief under the provisions of this act, or, in case of his death, to the heirs or legal representatives of any such man, the right to receive pay and bounty for any period of time during which such man was absent from his command without leave: *And provided further*, That no appointed or enlisted man, nor the heirs or legal representatives of any such man, who served in the Navy or Marine Corps a period of less than six months shall be entitled to t

Period of less
than six months'
service not entit-
led.

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benefit of the provisions of this act: *And provided further*, That all applications for relief under this act shall be made to and filed with the Secretary of the Navy within the period of five years from and after its passage, and all applications not so made and filed within the said term of five years shall be forever barred, and shall not be received or considered.

Limitation.

That all acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

Sec. 6, id.
Repeal.

That chapter eight hundred and ninety, volume twenty-five, of the United States Statutes at Large, entitled "An Act to relieve certain appointed or enlisted men of the Navy and Marine Corps from the charge of desertion," approved August fourteenth, eighteen hundred and eighty-eight, be, and the same is hereby, revived and reenacted.

Act May 24,
1900, 31 Stat. L.,
183, c. 550, sec. 1.Navy and Ma-
rine Corps.
Act Aug. 14,
1888, removing
charge of deser-
tion, revived.

That section five of the said act be, and is hereby, so amended as to remove the limitation of time within which applications for relief may be received and acted upon under the provisions of said act.

Sec. 2, id.
Limitation as to
filing claims re-
moved.

That the charge of desertion now standing on the rolls and records in the office of the Adjutant General of the United States Army against any soldier who served in the late war in the volunteer service shall be removed in all cases where it shall be made to appear to the satisfaction of the Secretary of War, from such rolls and records, or from other satisfactory testimony, that such soldier served faithfully until the expiration of his term of enlistment, or until the first day of May, anno domini eighteen hundred and sixty-five, having previously served six months or more, and, by reason of absence from his command at the time the same was mustered out, failed to be mustered out and to receive an honorable discharge, or that such soldier absented himself from his command, or from hospital while suffering from wounds, injuries, or disease received or contracted in the line of duty and was prevented from completing his term of enlistment by reason of such wounds, injuries, or disease.

Act Mar. 2,
1889, 25 Stat. L.,
869, c. 390, sec. 1.
Charge of de-
sertion removed
from record of
certain volun-
teers.

That the Secretary of War is hereby authorized to remove the charge of desertion from the record of any regular or volunteer soldier in the late war upon proper application therefor, and satisfactory proof in the following cases:

Sec. 2, id.
Applications;
proof.

First. That such soldier, after such charge of desertion was made, and within a reasonable time thereafter, vol-

Return to duty.

untarily returned to his command and served faithfully to the end of his term of service, or until discharged.

Absence while sick or wounded.

Second. That such soldier absented himself from his command or from hospital while suffering from wounds, injuries, or disease received or contracted in the line of duty, and upon recovery voluntarily returned to his command and served faithfully thereafter, or died from such wounds, injuries, or disease while so absent, and before the date of muster out of his command, or expiration of his term of service, or was prevented from so returning by reason of such wounds, injuries, or diseases before such muster out or expiration of service.

Minor discharged by order of court.

See act Mar. 2, 1891, 26 Stat. L., 824.

Third. That such soldier was a minor, and was enlisted without the consent of his parent or guardian, and was released or discharged from such service by the order or decree of any court of competent jurisdiction on habeas corpus or other proper judicial proceedings; and in any such case no pay, allowance, bounty, or pension shall be allowed or granted.

Sec. 3, id. Removal of charge when soldier reenlisted.

That the charge of desertion now standing on the rolls and records in the office of the Adjutant General of the Army against any regular or volunteer soldier who served in the late war of the rebellion by reason of having enlisted in any regiment, troop, or company, or in the United States Navy or Marine Corps, without having first received a discharge from the regiment, troop, or company in which he had previously served, shall be removed in all cases wherein it shall be made to appear to the satisfaction of the Secretary of War, from such rolls and records, or from other satisfactory testimony, that such reenlistment was not made for the purpose of securing bounty or other gratuity that he would not have been entitled to, had he remained under his original term of enlistment; that the absence from the service did not exceed four months; and that such soldier served faithfully under his reenlistment.

Limitation.

Sec. 4, id. Return to duty without trial, etc.

That whenever it shall appear from the official records in the office of the Adjutant General, United States Army, that any regular or volunteer soldier of the late war was formally restored to duty from desertion by the Commander competent to order his trial for the offense, or, having deserted and being charged with desertion, was, on return to the service, suffered, without such formal restoration, to resume his place in the ranks of his command, serving faithfully thereafter until the expi-

tion of his term, such soldier shall not be deemed to rest under any disability because of such desertion in the prosecution of any claim for pension on account of disease contracted or wounds or injuries received in the line of his duty as a soldier.

Disability removed in prosecuting pension claims.

That when the charge of desertion shall be removed under the provisions of this act from the record of any soldier, such soldier, or, in case of his death, the heirs or legal representatives of such soldier, shall receive the pay and bounty due to such soldier: *Provided, however,* That this act shall not be so construed as to give to any such soldier, or, in case of his death, to the heirs or legal representatives of any such soldier, any pay, bounty, or allowance for any time during which such soldier was absent from his command without proper authority; nor shall it be so construed as to give any pay, bounty, or allowance to any soldier, his heirs or legal representatives, who served in the Army a period of less than six months.

Sec. 5, id. Pay and bounty.

Not entitled while absent without leave.

That the Secretary of War be, and he hereby is, authorized and directed to amend the military record of any soldier who enlisted for the war with Mexico, upon proper application, where the rolls and records of the Adjutant General's office show the charge of desertion against him, when such rolls and records show the facts set out in the following cases:

Sec. 6, id. Mexican War soldier's application.

First: That said soldier served faithfully the full term of his enlistment, or having served faithfully for six months or more, and until the fourth day of July anno domini eighteen hundred and forty-eight, left his command without having received a discharge.

Length of service.

Second. That such soldier, after said charge of desertion was entered on the rolls, voluntarily returned to his command within a reasonable time and served faithfully until discharged.

Voluntary return.

That the provisions of this act shall not be so construed as to relieve any soldier from the charge of desertion who left his command from disaffection or disloyalty to the Government, or to evade the dangers and hardships of the service, or whilst in the presence of the enemy (not being sick or wounded), or while in arrest or under charges for breach of military duty, or in case of a soldier of the Mexican War, who did not actually reach the seat of war.

Sec. 7, id. Cases excepted.

Sec. 8, id.
Military record
corrected and
honorable dis-
charge issued.

That when such charge of desertion is removed under the provisions of this act, the soldier shall be restored to a status of honorable service, his military record shall be corrected as the facts may require, and an honorable discharge shall be issued in those cases where the soldier has received none; and he shall be restored to all his rights as to pension, pay, or allowances as if the charge of desertion had never been made; and in case of the death of said soldier, his widow or other legal heir shall be entitled to the same rights as in case of other deceased honorably discharged soldiers: *Provided*, That this act shall not be construed to give to any soldier, or his legal representatives or heir, any pay or allowance for any period of time he was absent without leave, and not in the performance of military duty.

Pensions.

No pay while
absent.

Sec. 9, id.
Limitation for
filing application.

See acts July 27,
1892, 27 Stat. L.,
278, and Mar. 2,
1895, 28 Stat. L.,
814.

That all applications for relief under this act shall be made to and filed with the Secretary of War within the period of three years from and after July first, eighteen hundred and eighty-nine, and all applications not made and filed within said term of three years shall be forever barred, and shall not be received or considered.

Sec. 10, id.
Repeal.

That all acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

Act Mar. 2,
1891, 26 Stat. L.,
824, c. 498.

That subdivision three of section two of the above entitled act be, and the same is, amended so as to read follows:

Minor dis-
charged by order
of court not to re-
ceive bounty or
pay.

“Third. That such soldier was a minor, and was enlisted without the consent of his parent or guardian, and was released or discharged from such service by the order or decree of any State or United States court on habeas corpus or other judicial proceedings, and in such case such soldier shall not be entitled to any bounty or allowance or pay for any time such soldier was not in the performance of military duty.”

Act July 27,
1892, 27 Stat. L.,
278, c. 273.

Desertion.
Amending sec.
9, act Mar. 2, 1889.

That section nine of the act for the relief of certain volunteer and regular soldiers of the late war and the war with Mexico, passed March second, anno Domini eighteen hundred and eighty-nine, be, and the same hereby, so amended as to extend the time for the limitation of the operation of said section for the period of two years from the first of July, eighteen hundred and ninety-two.

Limitation as
to filing applica-
tion for removal.

Act Mar. 2,
1895, 28 Stat. L.,
814, c. 181.
Desertion.

That section nine of the act for the relief of certain volunteer and regular soldiers of the late war and the war with Mexico, approved March second, eighteen hu-

dred and eighty-nine, be, and the same is hereby, so amended as to remove the limitation of time within which applications for relief may be received and acted upon under the provisions of said act.¹

Limitation for filing claims removed.

That in time of war the pay proper of enlisted men shall be increased twenty per centum over and above the rates of pay as fixed by law: *Provided*, That in war time no additional increased compensation shall be allowed to soldiers performing what is known as extra or special duty: *Provided further*, That any soldier who deserts shall, besides incurring the penalties now attaching to the crime of desertion, forfeit all right to pension which he might otherwise have acquired.

Act Apr. 26, 1898, 30 Stat. L., 365, c. 191, sec. 6. Desertion in time of war forfeits pension.

That section six of the act entitled "An act for the better organization of the line of the Army of the United States," approved April twenty-sixth, eighteen hundred and ninety-eight, be amended so as to read as follows:

Act May 11, 1908, 35 Stat. L., 110, c. 163, part.

"SEC. 6. That any soldier who deserts shall, besides incurring the penalties now attaching to the crime of desertion, forfeit all right to pension which he might otherwise have acquired."

Penalty for desertion.

That nothing herein contained shall be construed so as to reduce the pay or allowances now authorized by law for any officer or enlisted man of the Army; and all laws or parts of laws inconsistent with the provisions of this act are hereby repealed.

Present pay, etc., not reduced.

Repeal.

That in all laws approved during the Sixty-first Congress having for their object the removal of disabilities accruing from defective records in the military or naval service of the United States, the words "*Provided*, That, other than as above set forth, no bounty, pay, pension, or other emolument shall accrue prior to or by reason of the passage of this Act" shall not prohibit or prevent the granting of a pension on an application made after the approval of this Act, and accruing only from the date of said application.

Joint resolution Feb. 27, 1911, 36 Stat. L., 1458; public resolution 13.

Modifying certain laws relating to the military record of certain soldiers and sailors.

The period of service of all persons entitled to the benefits of the pension-laws, or on account of whose death any person may become entitled to a pension, shall be construed to extend to the time of disbanding the organization to which such persons belonged, or until their

Sec. 4701, R. S. Date when service terminates.

Sec. 7, Mar. 3, 1873, 17 Stat. L., 569; sec. 9, June 6, 1866, 14 Stat. L., 57.

¹ Prior laws as to removal of the charge of desertion standing against Volunteers and Regulars serving during the Civil War were enacted Aug. 7, 1882, 22 Stat. L., 347; July 5, 1884, 23 Stat. L., 119; and May 17, 1886, 24 Stat. L., 51, and reenacted in act Mar. 2, 1889.

actual discharge for other cause than the expiration of the service of such organization.

Joint resolution July 1, 1902, 32 Stat. L., 750; public resolution 42, sec. 2.

Final honorable discharge gov-erns, provided—

six months' service under last enlistment, etc., is shown.

That in the administration of the pension laws any enlisted man of the Army, including regulars, volunteers, and militia, or any appointed or enlisted man of the Navy or Marine Corps, who was honorably discharged from the last contract of service entered into by him during the late war of the rebellion, shall be held and considered to have been honorably discharged from all similar contracts of service previously entered into by him with the United States during said war: *Provided*, That such enlisted or appointed man served not less than six months under said last enlistment or appointment, that his entire service under said last enlistment or appointment was faithful, and that he did not receive by reason of said last enlistment or appointment any bounty or gratuity other than from the United States in excess of that to which he would have been entitled if he had continued to serve faithfully until honorably discharged under any contract of service previously entered into by him, either in the Army, Navy, or Marine Corps, during the war of the rebellion.

Joint resolution June 28, 1906, 34 Stat. L., 836, No. 39.

Disability, etc., pensions. Vol. 32, p. 750. Effect of final honorable discharge. Extended to officers. Vol. 32, p. 750, amended.

Proviso. Subsequent enlistments, etc.

That section two of joint resolution approved July first, nineteen hundred and two, be amended to read as follows:

“SEC. 2. That in the administration of the pension law any enlisted man or commissioned officer of the Army including regulars, volunteers, and militia, or any appointed or enlisted man or commissioned officer of the Navy or Marine Corps, who was honorably discharged from any subsequent contract of service entered into by him during the late war of the rebellion, shall be held and considered to have been honorably discharged from all previous contracts of service as commissioned officer or enlisted man previously entered into by him with the United States during said war: *Provided*, That such enlisted or appointed man or commissioned officer served not less than six months under any subsequent enlistment, appointment, or commission; that his entire service under any said subsequent enlistment, appointment, or commission was faithful, and that he did not receive by reason of said enlistment, appointment, or commission any bounty or gratuity other than from the United States in excess of that to which he would have been entitled

if he had continued to serve faithfully until honorably discharged under any contract of service previously entered into by him, either in the Army, Navy, or Marine Corps, during the war of the rebellion.

That all officers and enlisted men of the Volunteer Army, and of the militia of the States when in the service of the United States, shall be in all respects on the same footing as to pay, allowances, and pensions as that of officers and enlisted men of corresponding grades in the Regular Army.

Act Apr. 22,
1898, 30 Stat. L.,
361, c. 187, sec. 12.
Status of Span-
ish War volun-
teers.

* * * No master, mate, pilot, or engineer of steam vessels licensed under title fifty-two of the Revised Statutes shall be liable to draft in time of War, except for the performance of duties such as required by his license; and, while performing such duties in the service of the United States, every such master, mate, pilot, or engineer shall be entitled to the highest rate of wages paid in the merchant marine of the United States for similar services; and if killed or wounded while performing such duties under the United States, they, or their heirs, or their legal representatives shall be entitled to all the privileges accorded to soldiers and sailors serving in the Army and Navy, under the pension laws of the United States.

Act May 28,
1896, 29 Stat. L.,
189, c. 255, sec. 2,
part.
Merchant - ma-
rine service.
Persons serving
on steam vessels
liable to draft in
time of war.

Pensioned for
wounds.

That all persons who, under and by virtue of the first section of the act entitled "An act supplementary to the several acts relating to pensions," approved March third, eighteen hundred and sixty-five, were deprived of their pensions during any portion of the time from the third of March, eighteen hundred and sixty-five, to the sixth of June, eighteen hundred and sixty-six, by reason of their being in the civil service of the United States, shall be paid their said pensions, withheld by virtue of said section of the act aforesaid, for and during the said period of time from the third of March, eighteen hundred and sixty-five, to the sixth of June, eighteen hundred and sixty-six.

Act Mar. 1,
1879, 20 Stat. L.,
327, c. 124.
Pensioners in
civil service; bar
to payment of
pension re-
moved.
See sec. 1, Mar.
3, 1865, 13 Stat.
L., 499; sec. 5,
June 6, 1866, 14
Stat. L., 57; sec.
4724, R. S.

TABLES OF RATES.

TABLE I.—For simple total (a disability equivalent to the ankylosis of a wrist) provided by section 4695, Revised Statutes, United States.

ARMY.		Per month
Lieutenant-colonel and all officers of higher rank	-----	\$30.00
Major, surgeon, and paymaster	-----	25.00
Captain, provost-marshal, and chaplain	-----	20.00
First lieutenant, assistant surgeon, deputy provost-marshal, and quartermaster	-----	17.00
Second lieutenant and enrolling officer	-----	15.00
All enlisted men	-----	8.00

NAVY AND MARINE CORPS.

Captain, and all officers of higher rank, commander, lieutenant-commanding, and master commanding, surgeon, paymaster, and chief engineer ranking with commander by law, lieutenant-colonel, and all of higher rank in Marine Corps	-----	30.00
Lieutenant, passed assistant surgeon, surgeon, paymaster, and chief engineer ranking with lieutenant by law, and major in Marine Corps	-----	25.00
Master (now lieutenant), professor of mathematics, assistant surgeon, assistant paymaster, and chaplain, and captain in Marine Corps	-----	20.00
First lieutenant in Marine Corps	-----	17.00
First assistant engineer, ensign, and pilot, and second lieutenant in Marine Corps	-----	15.00
Cadet midshipmen, passed midshipmen, midshipmen (now ensigns), clerks of admirals, of paymasters, and of officers commanding vessels, second and third assistant engineers, master's mate, and warrant officers	-----	10.00
All enlisted men, except warrant officers	-----	8.00

TABLE II.—*Permanent specific disabilities.*

Disabilities	From July 4, 1864.	From Mar. 3, 1865.	From June 6, 1866.	From June 4, 1872.	From June 4, 1874.	From Feb. 28, 1877.	From June 17, 1878.	From Mar. 3, 1879.	From Mar. 3, 1883.	From Mar. 3, 1885.	From Aug. 4, 1886.	From Aug. 27, 1888.	From Feb. 12, 1889.	From Mar. 4, 1890.	From July 14, 1892.	From Jan. 15, 1903.	From Mar. 2, 1903.	From Apr. 8, 1904.
Loss of both hands.....	\$25.00			\$31.25	\$50.00		\$72.00						\$100.00				\$100.00	
Loss of both feet.....	20.00			31.25	50.00		72.00										60.00	
Loss of sight of both eyes.....	25.00			31.25	50.00		72.00										40.00	
Loss of sight of one eye, the sight of the other having been lost before enlistment.....		\$20.00	\$25.00	31.25	50.00	\$36.00	72.00	\$24.00			\$30.00							100.00
Loss of one hand and one foot.....			15.00	18.00														
Loss of a hand or a foot.....																		
Loss of an arm at or above the elbow or a leg at or above the knee.....			15.00	18.00	24.00			30.00			36.00						46.00	
Loss of either a leg at the hip joint or an arm at the shoulder joint, or so near as to prevent the use of an artificial limb.....								\$37.50									55.00	
Loss of leg at hip joint.....			15.00	24.00													55.00	
Loss of an arm at shoulder joint.....										\$37.50								
Total disability in both hands.....			15.00	18.00	24.00					\$37.50							55.00	
Total disability in both feet.....			20.00	31.25														
Total disability in one hand and one foot.....			20.00	24.00		36.00											60.00	
Total disability in one hand or one foot.....			15.00	18.00													40.00	
Total disability in arm or leg.....			15.00	18.00													46.00	
Disability, equivalent to the loss of a hand or a foot (third grade).....			15.00	18.00														
Incapacity to perform manual labor (second grade).....			20.00	24.00														
Regular aid and attendance (first grade) ¹			25.00	31.25	50.00		72.00						\$72.00					
Frequent and periodical, not constant aid and attendance (intermediate grade).....																		
Total deafness.....			13.00									\$30.00						
														\$50.00				\$40.00

¹ Seventy-two dollars from June 17, 1878, only where the rate was \$50, under act of June 18, 1874, and granted to date prior to June 16, 1880. First grade proper is \$50, amended by act March 4, 1890, which increases rate to \$72.

TABLE III.—*Rates fixed by the Commissioner of Pensions for certain disabilities not specified by law.*

	Per month
Anchylosis of shoulder.....	\$12.00
Anchylosis of elbow.....	10.00
Anchylosis of knee.....	10.00
Anchylosis of ankle.....	8.00
Anchylosis of wrist.....	8.00
Loss of sight of one eye.....	12.00
Loss of one eye.....	17.00
Nearly total deafness of one ear.....	6.00
Total deafness of one ear.....	10.00
Slight deafness of both ears.....	6.00
Severe deafness of one ear and slight of the other.....	10.00
Nearly total deafness of one ear and slight of the other.....	15.00
Total deafness of one ear and slight of the other.....	20.00
Severe deafness of both ears.....	22.00
Total deafness of one ear and severe of the other.....	25.00
Deafness of both ears existing in a degree nearly total.....	27.00
Loss of palm of hand and all the fingers, the thumb remaining.....	17.00
Loss of thumb, index, middle, and ring fingers.....	17.00
Loss of thumb, index, and middle fingers.....	16.00
Loss of thumb and index finger.....	12.00
Loss of thumb and little finger.....	10.00
Loss of thumb, index, and little fingers.....	16.00
Loss of thumb.....	8.00
Loss of thumb and metacarpal bone.....	12.00
Loss of all the fingers, thumb and palm remaining.....	16.00
Loss of index, middle, and ring fingers.....	16.00
Loss of middle, ring, and little fingers.....	14.00
Loss of index and middle fingers.....	8.00
Loss of little and middle fingers.....	8.00
Loss of little and ring fingers.....	6.00
Loss of ring and middle fingers.....	6.00
Loss of index and middle fingers.....	6.00
Loss of index finger.....	4.00
Loss of any other finger without complications.....	2.00
Loss of all the toes of one foot.....	10.00
Loss of great, second, and third toes.....	8.00
Loss of great toe and metatarsal.....	8.00
Loss of great and second toes.....	8.00
Loss of great toe.....	6.00
Loss of any other toe and metatarsal.....	6.00
Loss of any other toe.....	2.00
Chopart's amputation of foot, with good results.....	14.00
Pirogoff's modification of Syme's.....	17.00
Small varicocele.....	2.00
Well-marked varicocele.....	4.00
Inguinal hernia, which passes through the external ring.....	10.00
Inguinal hernia, which does not pass through the external ring.....	6.00
Double inguinal hernia, each of which passes through the external ring.....	14.00
Double inguinal hernia, one of which passes through the external ring and other does not.....	12.00
Double inguinal hernia, neither of which passes through the external ring.....	8.00
Femoral hernia.....	10.00

Section 4699, Revised Statutes, provides that the rate of \$18 per month may be proportionately divided for any degree of disability established for which section 4695 makes no provision.

The act of August 27, 1888, provides a \$30 rate for total deafness and authorizes the Secretary of the Interior to grant such proportion thereof in cases of partial deafness as he may deem equitable. Act January 15, 1903, increases rate for total deafness to \$40. Rates on partial degrees not affected.

The act of March 2, 1895, provides that "all pensioners now on the rolls, who are pensioned at less than six dollars per month, for any degree of pensionable disability, shall have their pensions increased to six dollars per month; and that, hereafter, whenever any applicant for pension would, under existing rates, be entitled to less than six dollars for any single disability or several combined disabilities, such pensioner shall be rated at not less than six dollars per month: *Provided, also,* That the provisions hereof shall not be held to cover any pensionable period prior to the passage of this act, nor authorize a rerating of any claim for any part of such period, nor prevent the allowance of lower rates than six dollars per month, according to the existing practice in the Pension Office in pending cases covering any pensionable period prior to the passage of this act."

TABLE IV.—Miscellaneous rates.

INVALID.

Indian wars:

Acts July 27, 1892, June 27, 1902, and May 30, 1908----- \$8.00

Mexican War:

Act Jan. 27, 1887----- 8.00

Acts Jan. 5, 1893, and Apr. 23, 1900, certain survivors----- 12.00

Act Mar. 3, 1903, all survivors----- 12.00

Act Feb. 6, 1907—

At 62 years----- 12.00

At 70 years----- 15.00

At 75 years or over----- 20.00

Civil War:

Act June 27, 1890, in its original form, and also as amended by
the act of May 9, 1900----- 6.00-12.00

Act Feb. 6, 1907—

At 62 years----- 12.00

At 70 years----- 15.00

At 75 years or over----- 20.00

Army nurses:

Act Aug. 5, 1892----- 12.00

Navy service pensions:

Sec. 4756, R. S., for 20 years' service, one-half the pay of rating
at discharge.

Sec. 4757, R. S., for 10 years' service, not to exceed the rate for
total disability.

WIDOWS AND MINORS.

Revolutionary War:

Act Mar. 9, 1878, widows only----- \$8.00

Act Mar. 19, 1886, widows only----- 12.00

War of 1812:

Act Mar. 9, 1878, widows only----- 8.00

Act Mar. 19, 1886, widows only----- 12.00

Indian wars:

Acts July 27, 1892, June 27, 1902, and May 30, 1908, widows only -----	\$8.00
Act April 19, 1908, Sec. 1, widows only -----	12.00

Mexican War:

Act Jan. 29, 1887, widows only -----	8.00
Act Apr. 19, 1908, sec. 1, widows only -----	12.00

Civil War:

Sec. 4702, R. S., widows and minors, same rates as in Table 1.	
Act Mar. 19, 1886, widows and minors -----	12.00
Act June 27, 1890, in its original form, and as amended by the act of May 9, 1900 -----	8.00
Act Apr. 19, 1908 -----	12.00

From and after July 25, 1866, a widow is entitled, under the provisions of section 4703, Revised Statutes, to the sum of \$2 per month additional on account of each legitimate minor child of the deceased soldier or sailor, in her care and custody, until such child reaches the age of 16 years. Where the widow has died, remarried, or has no title, the minor children under 16 years of age succeed to the widow's rights.

In claims under the act of June 27, 1890, both in its original and amended forms, the additional pension of \$2 per month is granted. In addition provision is made in said act for the continuance of pension granted to an insane idiotic, or otherwise physically or mentally helpless minor child, during its life or during the period of disability. This proviso is applicable to minors' claim under any statute.

DEPENDENT RELATIVES.

Sec. 4707, R. S., in its original form, and as amended by section 1,	
Act June 27, 1890, same rates as in Table 1.	
Act Mar. 19, 1886 -----	\$12.00

Chapter X.

CRIMINAL LAW AND PROCEDURE.

- SEC. 24, JUDICIAL CODE. District courts; jurisdiction.
- SEC. 42, JUDICIAL CODE. Offenses begun in one district and completed in another.
- SEC. 43, JUDICIAL CODE. Suits for recovery.
- SEC. 164, JUDICIAL CODE. Court of Claims entitled to information, etc., from executive departments, etc.
- SEC. 300, JUDICIAL CODE. Prosecution for prior offenses.
- SEC. 301, JUDICIAL CODE. Judicial code in effect January 1, 1912.
- ACT FEB. 8, 1899. Suits against Government officers not to abate on retirement.
- ACT JUNE 9, 1910. Bonds not required of the United States, etc., in the courts of the District of Columbia.
- ACT MAY 7, 1910. Repealing section 860, Revised Statutes.
- SEC. 4851, R. S. Government Hospital for the Insane; admission to, of persons charged with crime.
- SEC. 4855, R. S. Delivery of insane criminals, or those charged with crime, on restoration to sanity; procedure.
- ACT AUG. 7, 1882. Government Hospital for the Insane; one becoming insane while in custody of United States officer to be admitted.
- SEC. 35, CRIMINAL CODE. False claims against the United States.
- SEC. 3490, R. S. Liability of persons making false claims.
- SEC. 3491, R. S. Suits for same.
- SEC. 3492, R. S. Duty of district attorney in such cases.
- SEC. 3493, R. S. Rights of persons presenting such suits.
- SEC. 3494, R. S. Limitation of suit.
- ACT JULY 7, 1898, AMENDING SEC. 4746, R. S. Making or presenting false or fraudulent affidavit, etc., in pension claims, etc.; post-dating vouchers.
- SEC. 31, CRIMINAL CODE. Officer making false acknowledgment.
- SEC. 70, CRIMINAL CODE. False certification by consular officer.
- SEC. 106, CRIMINAL CODE. False certification by public officer.
- ACT MAR. 4, 1911. False accounts and reports by persons holding office or employment under the Government of the United States.
- SEC. 28, CRIMINAL CODE. Forging bond, bid, public records, affidavit, etc.
- SEC. 29, CRIMINAL CODE. Forging deed, power of attorney, etc.
- SEC. 30, CRIMINAL CODE. Having false, altered, forged, etc., papers in possession.
- SEC. 148, CRIMINAL CODE. Forging, etc., obligations or securities of the United States.
- SEC. 151, CRIMINAL CODE. Passing, etc., forged obligations, etc., of the United States.
- SEC. 154, CRIMINAL CODE. Buying, selling, exchanging, etc., forged obligations, etc.
- SEC. 172, CRIMINAL CODE. Counterfeit obligations, etc., to be forfeited.
- SEC. 125, CRIMINAL CODE. Perjury.
- SEC. 1750, R. S. Perjury before consular officer.
- ACT MAR. 9, 1878, SEC. 3. False oath deemed perjury in war of 1812 claims.
- ACT JAN. 29, 1887, SEC. 3. False oath deemed perjury in Mexican War claims.
- ACT JULY 27, 1892, SEC. 3. False oath deemed perjury in Indian war claims.
- SEC. 5396, R. S. Form of indictment for perjury.
- SEC. 126, CRIMINAL CODE. Subornation of perjury.
- SEC. 5397, R. S. Indictment for subornation of perjury.
- SEC. 39, CRIMINAL CODE. Bribery of United States officer.
- SEC. 109, CRIMINAL CODE. Officer, etc., of the United States acting as agent or attorney in claims against them, or receiving any gratuity or share of or interest in any such claim.
- SEC. 110, CRIMINAL CODE. Accepting, etc., bribe by Member of Congress.
- SEC. 111, CRIMINAL CODE. Offering bribe, etc., to Member of Congress.
- SEC. 112, CRIMINAL CODE. Member of Congress taking consideration for procuring contract, office, etc.
- SEC. 113, CRIMINAL CODE. Member of Congress or officer of the United States taking compensation in matters in which the Government is a party.
- SEC. 128, CRIMINAL CODE. Destroying, etc., public records.

- SEC. 117, CRIMINAL CODE. United States officer, etc., accepting bribe.
- SEC. 131, CRIMINAL CODE. Bribery of a judge, judicial officer, or person authorized to hear or determine any question, matter, proceeding, etc.
- SEC. 133, CRIMINAL CODE. Juror, etc., accepting bribe.
- SEC. 134, CRIMINAL CODE. Witness accepting bribe.
- SEC. 21, CRIMINAL CODE. Conspiracy to prevent person from accepting or holding office, or from performing the duties thereof.
- SEC. 1980, R. S. Liability for such conspiracy.
- SEC. 1981, R. S. Action for neglect to prevent conspiracy.
- SEC. 37, CRIMINAL CODE. Conspiracy to commit an offense against, or to defraud the United States.
- ACT MAY 21, 1872. Retention of soldiers' or sailors' discharge certificates by agents or attorneys.
- SEC. 5485, R. S. Illegal fees.
- SEC. 4785, R. S. Attorney fees, etc.
- ACT JUNE 27, 1890, SEC. 4. Illegal fees.
- ACT APR. 19, 1908, SEC. 3. Illegal fees.
- ACT MAR. 3, 1891. Attorney fee in increase and special-act claims, and penalty for violation.
- ACT MAY 28, 1908. Prohibiting fee in special-act claims and penalty for violation.
- ACT AUG. 5, 1892, SEC. 2. Prohibiting fee in claims of Army nurses.
- SEC. 108, CRIMINAL CODE. Pension agent, etc., taking fee.
- SEC. 4745, R. S., as amended by act of Feb. 28, 1883. Pledging pension certificate.
- ACT FEB. 27, 1906, SEC. 3. Expenditures in excess of appropriation, and accepting voluntary service, except, etc.
- SEC. 32, CRIMINAL CODE. Falsely pretending to be an officer or employee of the United States.
- SEC. 33, CRIMINAL CODE. False personation of holder of public stock, pensioner, etc.
- SEC. 34, CRIMINAL CODE. False demand of fraudulent power of attorney.
- ACT FEB. 10, 1891, AMENDING SECS. 4785 AND 5486, R. S. Embezzlement of person money by guardian.
- SEC. 86, CRIMINAL CODE. Embezzlement receiving for larger amount than actually paid, constitutes.
- SEC. 90, CRIMINAL CODE. Failure of officer or agent of the United States to render account constitutes embezzlement.
- SEC. 94, CRIMINAL CODE. Prima facie evidence of embezzlement.
- SEC. 95, CRIMINAL CODE. Evidence of conversion.
- SEC. 40, CRIMINAL CODE. Unlawfully taking or using papers relating to claims.
- SEC. 46, CRIMINAL CODE. Robbery of personal property of the United States.
- SEC. 47, CRIMINAL CODE. Embezzling, stealing, etc., moneys, records, etc., of the United States.
- SEC. 48, CRIMINAL CODE. Receiving, etc., stolen public property.
- SEC. 129, CRIMINAL CODE. Destroying records by officer in charge.
- SEC. 85, CRIMINAL CODE. Extortion by officers, etc., of the United States.
- SEC. 145, CRIMINAL CODE. Extortion by former, etc.
- SEC. 146, CRIMINAL CODE. Misprision of felony.
- SEC. 332, CRIMINAL CODE. Who are principals.
- SEC. 333, CRIMINAL CODE. Punishment accessories.
- SEC. 335, CRIMINAL CODE. Felonies and misdemeanors distinguished.
- SEC. 342, CRIMINAL CODE. Acquired right, etc., not affected by adoption of Criminal Code.
- SEC. 343, CRIMINAL CODE. Prior offense how prosecuted.
- SEC. 344, CRIMINAL CODE. Acts of limitation; how affected by Criminal Code.
- SEC. 345, CRIMINAL CODE. Date on which Criminal Code went into effect, to January 1, 1910.
- SEC. 1044, R. S. Statute of limitations.
- SEC. 1045, R. S. Fleeing from justice.

Act Mar. 3,
1911, 36 Stat. L.,
1091, c. 231; Judi-
cial Code, sec. 24.

District courts,
jurisdiction of.

The district courts shall have original jurisdiction in the following cases:

First. Of all suits of a civil nature, at common law or in equity, brought by the United States, or by any officer thereof authorized by law to sue, or between citizens of the same State claiming lands under grants from different States; or, where the matter in controversy exceeds the exclusive of interest and costs, the sum or value of three thousand dollars, and (a) arises under the Constitution or laws of the United States, or treaties made, or which

shall be made, under their authority, or (b) is between citizens of different States, or (c) is between citizens of a State and foreign States, citizens, or subjects. No district court shall have cognizance of any suit (except upon foreign bills of exchange) to recover upon any promissory note or other chose in action in favor of any assignee, or of any subsequent holder if such instrument be payable to bearer and be not made by any corporation, unless such suit might have been prosecuted in such court to recover upon said note or other chose in action if no assignment had been made: *Provided, however,* That the foregoing provision as to the sum or value of the matter in controversy shall not be construed to apply to any of the cases mentioned in the succeeding paragraphs of this section.

Second. Of all crimes and offenses cognizable under the authority of the United States.

When any offense against the United States is begun in one judicial district and completed in another, it shall be deemed to have been committed in either, and may be dealt with, inquired of, tried, determined, and punished in either district, in the same manner as if it had been actually and wholly committed therein.

Id., sec. 42.
Offenses begun in one district and completed in another.
Sec. 731, R. S.

All pecuniary penalties and forfeitures may be sued for and recovered either in the district where they accrue or in the district where the offender is found.

Id., sec. 43.
Suits for recoveries.
Sec. 732, R. S.

The said court shall have power to call upon any of the departments for any information or papers it may deem necessary, and shall have the use of all recorded and printed reports made by the committees of each House of Congress, when deemed necessary in the prosecution of its business. But the head of any department may refuse and omit to comply with any call for information or papers when, in his opinion, such compliance would be injurious to the public interest.

Id., sec. 164.
Court of Claims.
Information, etc., from departments and Congress.
Sec. 1076, R. S.

All offenses committed, and all penalties, forfeitures, or liabilities incurred prior to the taking effect hereof, under any law embraced in, amended, or repealed by this Act, may be prosecuted and punished, or sued for and recovered, in the district courts, in the same manner and with the same effect as if this Act had not been passed.

Id., sec. 300.
Prosecution for prior offenses, etc.

This Act shall take effect and be in force on and after January first, nineteen hundred and twelve.

Id., sec. 301.
In effect Jan. 1, 1912.

Act Feb. 8, 1899,
30 Stat. L., 822, c.
121.

Suits against
Government officers
not to abate
on their retire-
ment, etc.

That no suit, action, or other proceeding lawfully commenced by or against the head of any Department or Bureau or other officer of the United States in his official capacity, or in relation to the discharge of his official duties, shall abate by reason of his death, or the expiration of his term of office, or his retirement, or resignation or removal from office, but, in such event, the Court, on motion or supplemental petition filed, at any time within twelve months thereafter, showing a necessity for the survival thereof to obtain a settlement of the question involved, may allow the same to be maintained by or against his successor in office, and the Court may make such order as shall be equitable for the payment of costs.

Act June 9, 1910,
36 Stat. L., 464,
c. 277; District of
Columbia Code
amended, 31 Stat.
L., 719.

That the Act entitled "An Act to establish a code of law for the District of Columbia," approved March thirty-one hundred and one, be, and the same is hereby amended by adding to section one hundred and seventy-seven thereof the following:

Bonds not re-
quired of United
States or District
of Columbia on
appeal, etc.

"*Provided*, That neither the United States nor the District of Columbia, nor any officer of either, acting in his official capacity, shall be required to give bond or enter into undertaking to perfect any appeal or to obtain any injunction or other writ, process, or order in or from any court in the District of Columbia for which a bond or undertaking is now or may be hereafter required by law or rule of court."

Act May 7,
1910, 36 Stat. L.,
352, c. 216.

United States
courts, immunity
of witnesses, etc.

Sec. 860, R. S., repealed.

That section eight hundred and sixty of the Revised Statutes of the United States be, and the same is hereby repealed.¹

Sec. 4851, R. S.
Admission of
insane persons ac-
cused of crime.

Feb. 7, 1857, c.
36, sec. 5, v. 11, p.
158; June 23, 1874,
c. 465, v. 18, p.
251.

If any person, charged with crime, be found, in the court before which he is so charged, to be an insane person, such court shall certify the same to the Secretary of the Interior, who may order such person to be confined in the Hospital for the Insane, and, if he be not indigent, he and his estate shall be charged with expenses of support in the hospital.

Sec. 4855, R. S.
Delivery of in-
sane criminals re-
stored to sanity.
Id., sec. 7.

When any person confined in the Hospital for the Insane charged with crime and subject to be tried therefor or convicted of crime and undergoing sentence therefor

¹ SEC. 860. No pleading of a party, nor any discovery or evidence obtained from a party or witness by means of a judicial proceeding in this or any foreign country, shall be given in evidence, or in any manner used against him or his property or estate, in any court of the United States in any criminal proceeding, or for the enforcement of any penalty or forfeiture: *Provided*, That this section shall not exempt any party or witness from prosecution and punishment for perjury committed in discovering

shall be restored to sanity, the superintendent of the hospital shall give notice thereof to the judge of the criminal court and deliver him to the court in obedience to the proper precept.

That upon the application of the Attorney-General the Secretary of the Interior be, and he is hereby, authorized and directed to transfer to the Government Hospital for the Insane in the District of Columbia, all persons who, having been charged with offenses against the United States, are in the actual custody of its officers, and all persons who have been or shall be convicted of any offense in a court of the United States and are imprisoned in any State prison or penitentiary of any State or Territory, and who during the term of their imprisonment have or shall become and be insane.

Act Aug. 7,
1882, 22 Stat. L.,
330, c. 433, part.
Admission of
persons, etc., be-
coming insane.

Whoever shall make or cause to be made, or present or cause to be presented, for payment or approval, to or by any person or officer in the civil, military, or naval service of the United States, any claim upon or against the Government of the United States, or any department or officer thereof, knowing such claim to be false, fictitious, or fraudulent; or whoever, for the purpose of obtaining or aiding to obtain the payment or approval of such claim, shall make or use, or cause to be made or used, any false bill, receipt, voucher, roll, account, claim, certificate, affidavit, or deposition, knowing the same to contain any fraudulent or fictitious statement or entry; or whoever shall enter into any agreement, combination, or conspiracy to defraud the Government of the United States, or any department or officer thereof, by obtaining or aiding to obtain the payment or allowance of any false or fraudulent claim; or whoever, having charge, possession, custody, or control of any money or other public property used or to be used in the military or naval service, with intent to defraud the United States or willfully to conceal such money or other property, shall deliver or cause to be delivered, to any other person having authority to receive the same, any amount of such money or other property less than that for which he received a certificate or took a receipt; or whoever, being authorized to make or deliver any certificate, voucher, receipt, or other paper certifying the receipt of arms, ammunition, provisions, clothing, or other property so used or to be used, shall make or deliver the same to any other person without a full knowledge of

Act Mar. 4,
1909, 35 Stat. L.,
1088, c. 321; Crimi-
nal Code, sec. 35.

False claim.

Sec. 5438, R. S.,
as amended by
act May 30, 1908,
35 Stat. L., 555.

Penalty.

Unlawful purchase of public property.

the truth of the facts stated therein and with intent to defraud the United States, shall be fined not more than five thousand dollars, or imprisoned not more than five years, or both. And whoever shall knowingly purchase or receive in pledge for any obligation or indebtedness from any soldier, officer, sailor, or other person called into or employed in the military or naval service, arms, equipments, ammunition, clothes, military stores or other public property, whether furnished to the soldier, sailor, officer, or person, under a clothing allowance or otherwise, such soldier, sailor, officer, or other person not having the lawful right to pledge or sell the same, shall be fined not more than five hundred dollars, and imprisoned not more than two years.

Penalty.

Sec. 3490, R. S. Liability of persons making false claims against United States.

Mar. 2, 1863, c. 67, sec. 3, v. 12, p. 698.

Any person not in the military or naval forces of the United States, or in the militia called into or actually employed in the service of the United States, who shall do or commit any of the acts prohibited by any of the provisions of section fifty-four hundred and thirty-eight Title, "CRIMES," shall forfeit and pay to the United States the sum of two thousand dollars; and, in addition, double the amount of damages which the United States may have sustained by reason of the doing or committing such act, together with the costs of suit; and such forfeiture and damages shall be sued for in the same suit.

Sec. 3491, R. S. Suits for same.

Mar. 2, 1863, c. 67, sec. 4, v. 12, p. 698.

The several district courts of the United States, the supreme court of the District of Columbia, the several district courts of the Territories of the United States within whose jurisdictional limits the person doing such act shall be found, shall, wheresoever such act may have been done or committed, have full power and jurisdiction to hear, try, and determine such suit. Such suit may be brought and carried on by any person, as well for himself as for the United States; the same shall be at the sole cost and charge of such person and shall be in the name of the United States, but shall not be withdrawn or discontinued without the consent in writing, of the judge of the court and the district attorney, first filed in the case, setting forth their reasons for such consent.

Sec. 3492, R. S. Duty of district attorney as to such cases.

Mar. 2, 1863, c. 67, sec. 5, v. 12, p. 698.

It shall be the duty of the several district attorneys of the United States for the respective districts, for the District of Columbia, and for the several Territories to be diligent in inquiring into any violation of the provisions

visions of section thirty-four hundred and ninety by persons liable to such suit, and found within their respective districts or Territories, and to cause them to be proceeded against in due form of law for the recovery of such forfeiture and damages. And such person may be arrested and held to bail in such sum as the district judge may order, not exceeding the sum of two thousand dollars, and twice the amount of the damages sworn to in the affidavit of the person bringing the suit.

The person bringing said suit and prosecuting it to final judgment shall be entitled to receive one-half the amount of such forfeiture, as well as one-half the amount of the damages he shall recover and collect; and the other half thereof shall belong to and be paid over to the United States; and such person shall be entitled to receive to his own use all costs the court may award against the defendant, to be allowed and taxed according to any provision of law or rule of court in force, or that shall be in force in suits between private parties in said court: *Provided*, That such person shall be liable for all costs incurred by himself in the case, and shall have no claim therefor on the United States.

Every such suit shall be commenced within six years from the commission of the act, and not afterward.

That section forty-seven hundred and forty-six of the Revised Statutes of the United States is hereby amended to read as follows:

“That every person who knowingly or willfully makes or aids, or assists in the making, or in any wise procures the making or presentation of any false or fraudulent affidavit, declaration, certificate, voucher, or paper or writing purporting to be such, concerning any claim for pension or payment thereof, or pertaining to any other matter within the jurisdiction of the Commissioner of Pensions or of the Secretary of the Interior, or who knowingly or willfully makes or causes to be made, or aids or assists in the making, or presents or causes to be presented at any pension agency any power of attorney or other paper required as a voucher in drawing a pension, which paper bears a date subsequent to that upon which it was actually signed or acknowledged by the pensioner, and every person before whom any declaration, affidavit, voucher, or other paper or writing to be used in aid of the prosecution of any claim for pension or bounty land or payment thereof purports to have been

Sec. 3493, R. S.
Rights of persons presenting such suits.
Mar. 2, 1863, c. 67, sec. 6, v. 12, p. 698.

Sec. 3494, R. S.
Limitation of suit.
Id., sec. 7.

Act July 7, 1898,
30 Stat. L., 718, c. 578.

Sec. 4746 amended.

Presentation or making of false or fraudulent affidavit, etc., in pension claims.

Post dating voucher.

executed who shall knowingly certify that the declarant affiant, or witness named in such declaration, affidavit voucher, or other paper or writing personally appeared before him and was sworn thereto, or acknowledged the execution thereof, when, in fact, such declarant, affiant or witness did not personally appear before him or was not sworn thereto, or did not acknowledge the execution thereof, shall be punished by a fine not exceeding five hundred dollars, or by imprisonment for a term of not more than five years."

Penalty.

Criminal Code,
sec. 31.
Officer making
false acknowledg-
ments, etc.

Whoever, being an officer authorized to administer oaths or to take and certify acknowledgments, shall knowingly make any false acknowledgment, certificate or statement concerning the appearance before him of the taking of an oath or affirmation by any person with respect to any proposal, contract, bond, undertaking, or other matter, submitted to, made with, or taken on behalf of, the United States, and concerning which an oath or affirmation is required by law or regulation made in pursuance of law, or with respect to the financial standing of any principal, surety, or other party to any such proposal, contract, bond, undertaking, or other instrument shall be fined not more than two thousand dollars, or imprisoned not more than two years, or both.

Penalty.

Id., sec. 70.
False certifica-
tion by consular
officer.

Sec. 5442, R. S.

Whoever, being a consul, or vice consul, or other person employed in the consular service of the United States, shall knowingly certify falsely to any invoice or other paper, to which his certificate is by law authorized or required, shall be fined not more than ten thousand dollars and imprisoned not more than three years.

Penalty.

Id., sec. 106.
False certifi-
cates by public
officers, etc.

Whoever, being a public officer or other person authorized by any law of the United States to make or give a certificate or other writing, shall knowingly make and deliver as true such a certificate or writing, containing any statement which he knows to be false, in case where the punishment thereof is not elsewhere expressly provided by law, shall be fined not more than five hundred dollars, or imprisoned not more than one year, or both.

Penalty.

Act Mar. 4,
1911, 36 Stat. L.,
1355, c. 270.
Government
employees.

That whoever, being an officer, clerk, agent, or other person holding any office or employment under the Government of the United States and, being charged with the duty of keeping accounts or records of any kind, shall with intent to deceive, mislead, injure, or defraud th

United States or any person, make in any such account or record any false or fictitious entry or record of any matter relating to or connected with his duties, or whoever with like intent shall aid or abet any such officer, clerk, agent, or other person in so doing; or whoever, being an officer, clerk, agent, or other person holding any office or employment under the Government of the United States and, being charged with the duty of receiving, holding, or paying over moneys or securities to, for, or on behalf of the United States, or of receiving or holding in trust for any person any moneys or securities, shall, with like intent, make a false report of such moneys or securities, or whoever with like intent shall aid or abet any such officer, clerk, agent, or other person in so doing, shall be fined not more than five thousand dollars, or imprisoned not more than ten years, or both.

Punishment for making false entries in records.

Aiding, etc.

Punishment for making false reports.

Aiding, etc.

Whoever shall falsely make, alter, forge, or counterfeit, or cause or procure to be falsely made, altered, forged, or counterfeited, or willingly aid, or assist in the false making, altering, forging, or counterfeiting, any bond, bid, proposal, contract, guarantee, security, official bond, public record, affidavit, or other writing for the purpose of defrauding the United States; or shall utter or publish as true, or cause to be uttered or published as true, or have in his possession with the intent to utter or publish as true, any such false, forged, altered, or counterfeited bond, bid, proposal, contract, guarantee, security, official bond, public record, affidavit, or other writing, for the purpose of defrauding the United States, knowing the same to be false, forged, altered, or counterfeited; or shall transmit to, or present at, or cause or procure to be transmitted to, or presented at, the office of any officer of the United States, any such false, forged, altered, or counterfeited bond, bid, proposal, contract, guarantee, security, official bond, public record, affidavit, or other writing, knowing the same to be false, forged, altered, or counterfeited, for the purpose of defrauding the United States, shall be fined not more than one thousand dollars, or imprisonment not more than ten years, or both.

Criminal code, sec. 28.

Forging bond, bid, public record, etc.
Secs. 5418 and 5479, R. S.

Transmitting, etc., forged papers.

Penalty.

Whoever shall falsely make, alter, forge, or counterfeit, or cause or procure to be falsely made, altered, forged, or counterfeited, or willingly aid or assist in the false making, altering, forging, or counterfeiting, any

Id., sec. 29.
Forging deeds, powers of attorney, etc.
Sec. 5421, R. S.

deed, power of attorney, order, certificate, receipt, contract, or other writing, for the purpose of obtaining or receiving, or of enabling any other person, either directly or indirectly, to obtain or receive from the United States or any of their officers or agents, any sum of money; or whoever shall utter or publish as true, or cause to be uttered or published as true, any such false, forged, altered, or counterfeited deed, power of attorney, order, certificate, receipt, contract, or other writing, with intent to defraud the United States, knowing the same to be false, altered, forged, or counterfeited; or whoever shall transmit to, or present at, or cause or procure to be transmitted to, or presented at, any office or officer of the Government of the United States, any deed, power of attorney, order, certificate, receipt, contract, or other writing, in support of, or in relation to, any account or claim, with intent to defraud the United States, knowing the same to be false, altered, forged, or counterfeited shall be fined not more than one thousand dollars and imprisoned not more than ten years.

Transmitting,
etc.

Penalty.

Id., sec. 30.
Having false pa-
pers, etc., in
possession.
Sec. 5422, R. S.

Whoever, knowingly and with intent to defraud the United States, shall have in his possession any false, altered, forged, or counterfeited deed, power of attorney, order, certificate, receipt, contract, or other writing for the purpose of enabling another to obtain from the United States, or from any officer or agent thereof, any sum of money, shall be fined not more than five hundred dollars, or imprisoned not more than five years, or both.

Penalty.

Id., sec. 148.
Forging, etc.,
U. S. securities.
Sec. 5414, R. S.

Whoever, with intent to defraud, shall falsely make, forge, counterfeit, or alter any obligation or other security of the United States shall be fined not more than five thousand dollars and imprisoned not more than fifteen years.

Penalty.

Id., sec. 151.
Passing, etc.,
forged obligations.
Sec. 5431, R. S.

Whoever, with intent to defraud, shall pass, utter, publish, or sell, or attempt to pass, utter, publish, or sell, or shall bring into the United States or any place subject to the jurisdiction thereof, with intent to pass, publish, utter, or sell, or shall keep in possession or conceal with like intent, any falsely made, forged, counterfeited, or altered obligation or other security of the United States, shall be fined not more than five thousand dollars and imprisoned not more than fifteen years.

Penalty.

Id., sec. 154.
Buying, etc.,
forged securities.
Sec. 5434, R. S.

Whoever shall buy, sell, exchange, transfer, receive, or deliver, any false, forged, counterfeited, or altered oblig-

tion or other security of the United States, or circulating note of any banking association organized or acting under the laws thereof, which has been or may hereafter be issued by virtue of any act of Congress, with the intent that the same be passed, published, or used as true and genuine, shall be fined not more than five thousand dollars, or imprisoned not more than ten years, or both.

Penalty.

All counterfeits of any obligation or other security of the United States or of any foreign government, or counterfeits of any of the coins of the United States or of any foreign government, and all material or apparatus fitted or intended to be used, or that shall have been used, in the making of any of such counterfeit obligation or other security or coins hereinbefore mentioned, that shall be found in the possession of any person without authority from the Secretary of the Treasury or other proper officer to have the same, shall be taken possession of by any authorized agent of the Treasury Department and forfeited to the United States, and disposed of in any manner the Secretary of the Treasury may direct. Whoever having the custody or control of any such counterfeits, material, or apparatus shall fail or refuse to surrender possession thereof upon request by any such authorized agent of the Treasury Department, shall be fined not more than one hundred dollars, or imprisoned not more than one year, or both.

Id., sec. 172.
Counterfeit obligations, etc., to be forfeited.
Act Feb. 10, 1891, 26 Stat. L., 742, sec. 4.

Penalty for failure to deliver.

Whoever, having taken an oath before a competent tribunal, officer, or person, in any case in which a law of the United States authorizes an oath to be administered, that he will testify, declare, depose, or certify truly, or that any written testimony, declaration, deposition, or certificate by him subscribed, is true, shall wilfully and contrary to such oath state or subscribe any material matter which he does not believe to be true, is guilty of perjury, and shall be fined not more than two thousand dollars and imprisoned not more than five years.

Id., sec. 125.
Perjury.
Sec. 5392, R. S.

Penalty.

Every secretary of legation and consular officer is hereby authorized, whenever he is required or deems it necessary or proper so to do, at the post, port, place, or within the limits of his legation, consulate, or commercial agency, to administer to or take from any person an oath, affirmation, affidavit, or deposition, and to perform any notarial act which any notary public is required or authorized by law to do within the United States. Every

Sec. 1750, R. S.
Depositions before secretary of legation and consular officer.
Act Aug. 18, 1856, 11 Stat. L., 61.

such oath, affirmation, affidavit, deposition, and notarial act administered, sworn, affirmed, taken, had, or done by or before any such officer, when certified under his hand and seal of office, shall be as valid, and of like force and effect within the United States, to all intents and purposes, as if administered, sworn, affirmed, taken, had, or done, by or before any other person within the United States duly authorized and competent thereto. If any person shall wilfully and corruptly commit perjury, or by any means procure any person to commit perjury in any such oath, affirmation, affidavit, or deposition, within the intent and meaning of any act of Congress now or hereafter made, such offender may be charged, proceeded against, tried, convicted, and dealt with in any district of the United States, in the same manner, in all respects, as if such offense had been committed in the United States before any officer duly authorized therein to administer or take such oath, affirmation, affidavit, or deposition, and shall be subject to the same punishment and disability therefor as are or shall be prescribed by any such act for such offense; and any document purporting to have attached and signature of the officer administering or taking the same in testimony thereof, shall be admitted in evidence without proof of any such seal or signature being genuine or of the official character of such person; and if any person shall forge any such seal or signature, or shall tender in evidence any such document with a false or counterfeit seal or signature thereto, knowing the same to be false or counterfeit, he shall be deemed and taken to be guilty of a misdemeanor, and on conviction shall be imprisoned not exceeding three years nor less than one year, and fined in a sum not to exceed three thousand dollars, and may be charged, proceeded against, tried, convicted, and dealt with, therefor, in the district where he may be arrested or in custody.

Penalty for perjury in such cases.

Evidence of taking the oath.

Penalty for forging certificate of oath.

Act Mar. 9, 1878, 20 Stat. L., 28, c. 28, sec. 3.
False oath deemed perjury in war of 1812 claims.

That before the name of any person shall be placed upon the pension-rolls under this act, proof shall be made, under such rules and regulations as the Commissioner of Pensions, with the approval of the Secretary of the Interior, shall prescribe, that the applicant is entitled to a pension under this act; and any person who shall falsely take any oath required to be taken under the provisions of this act shall be guilty of perjury; and

the Secretary of the Interior shall cause to be stricken from the rolls the name of any person, when it shall appear, by proof satisfactory to him, that such name was put on said rolls by or through false or fraudulent representations, or by mistake as to the right of such person to a pension under this act. * * *

That before the name of any person shall be placed on the pension-roll under this act, proof shall be made, under such rules and regulations as the Secretary of the Interior may prescribe, of the right of the applicant to a pension; and any person who shall falsely and corruptly take any oath required under this act shall be deemed guilty of perjury; and the Secretary of the Interior shall cause to be stricken from the pension-roll the name of any person whenever it shall be made to appear by proof satisfactory to him that such name was put upon such roll through false and fraudulent representations, and that such person is not entitled to a pension under this act. * * *

Act Jan. 29,
1887, 24 Stat. L.,
371, c. 70, sec. 3.
False oath to be
deemed perjury,
Mexican War
claims.

That before the name of any person shall be placed on the pension roll under this act, proof shall be made, under such rules and regulations as the Secretary of the Interior may prescribe, of the right of the applicant to a pension; and any person who shall falsely and corruptly take any oath required under this act shall be deemed guilty of perjury; * * *

Act July 27,
1892, 27 Stat. L.,
282, c. 277, sec. 3,
part.
False oath to be
deemed perjury,
Indian war
claims.

In every presentment or indictment prosecuted against any person for perjury, it shall be sufficient to set forth the substance of the offense charged upon the defendant, and by what court, and before whom the oath was taken, averring such court or person to have competent authority to administer the same, together with the proper averment to falsify the matter wherein the perjury is assigned, without setting forth the bill, answer, information, indictment, declaration, or any part of any record or proceeding, either in law or equity, or any affidavit, deposition, or certificate, other than as hereinbefore stated, and without setting forth the commission or authority of the court or person before whom the perjury was committed.

Sec. 5396, R. S.
Form of indictment
for perjury.
Apr. 30, 1790, c.
9, sec. 19, v. 1, p.
116.

Whoever shall procure another to commit any perjury is guilty of subornation of perjury, and punishable as in the preceding section prescribed.

Criminal Code,
sec. 126.
Subornation of
perjury.
Sec. 5393, R. S.
Penalty.

Sec. 5397, R. S.
Indictment for
subornation of
perjury.
Act Apr. 30,
1790, c. 9, sec. 20,
v. 1, p. 116.

In every presentment or indictment for subornation of perjury, it shall be sufficient to set forth the substance of the offense charged upon the defendant, without setting forth the bill, answer, information, indictment, declaration, or any part of any record or proceeding either in law or equity, or any affidavit, deposition, or certificate, and without setting forth the commission or authority of the court or person before whom the perjury was committed, or was agreed or promised to be committed.

Criminal Code,
sec. 39.
Bribery of
United States
officer.
Sec. 5451, R. S.

Whoever shall promise, offer, or give, or cause or procure to be promised, offered, or given, any money or other thing of value, or shall make or tender any contract, undertaking, obligation, gratuity, or security for the payment of money, or for the delivery or conveyance of any thing of value, to any officer of the United States, or to any person acting for or on behalf of the United States in any official function, under or by authority of any department or office of the Government thereof, or to any officer or person acting for or on behalf of either House of Congress, or of any committee of either House, or both Houses thereof, with intent to influence his decision or action on any question, matter, cause, or proceeding which may at any time be pending, or which may hereafter be brought before him in his official capacity, or in his place of trust or profit, or with intent to influence him to commit or aid in committing, or to collude in, or allow any fraud, or make opportunity for the commission of any fraud, on the United States, or to induce him to do or omit to do any act in violation of his lawful duty, shall be fined not more than three times the amount of money or value of the thing so offered, promised, given, made, or tendered, or caused or procured to be so offered, promised, given, made, or tendered, and imprisoned not more than three years.

Penalty.

Id., sec. 109.
Officers interested in claims against the United States.
Sec. 5498, R. S.

Whoever, being an officer of the United States, or a person holding any place of trust or profit, or discharging any official function under, or in connection with, any Executive Department of the Government of the United States, or under the Senate or House of Representatives of the United States, shall act as an agent or attorney for prosecuting any claim against the United States, or in any manner, or by any means, otherwise than in discharge of his proper official duties, shall aid or assist in the prosecution or support of any such claim, or receive

any gratuity, or any share of or interest in any claim from any claimant against the United States, with intent to aid or assist, or in consideration of having aided or assisted, in the prosecution of such claim, shall be fined not more than five thousand dollars, or imprisoned not more than one year, or both.

Penalty.

Whoever, being elected or appointed a Member of or Delegate to Congress, or a Resident Commissioner, shall, after his election or appointment and either before or after he has qualified, and during his continuance in office, directly or indirectly, ask, accept, receive, or agree to receive, any money, property, or other valuable consideration, or any promise, contract, undertaking, obligation, gratuity, or security for the payment of money or for the delivery or conveyance of anything of value to him or to any person with his consent, connivance, or concurrence, for his attention to, or services, or with the intent to have his action, vote, or decision influenced, on any question, matter, cause, or proceeding, which may at any time be pending in either House of Congress or before any committee thereof, or which by law or under the Constitution may be brought before him in his official capacity, or in his place as such Member, Delegate, or Resident Commissioner, shall be fined not more than three times the amount asked, accepted, or received, and imprisoned not more than three years; and shall, moreover, forfeit his office or place, and thereafter be forever disqualified from holding any office of honor, trust, or profit under the Government of the United States.

Id., sec. 110.
Accepting, etc.,
bribe by Member
of Congress.
Secs. 1781, 5500,
and 5502, R. S.

Penalty.

Whoever shall promise, offer, or give, or cause to be promised, offered, or given, any money or other thing of value, or shall make or tender any contract, undertaking, obligation, gratuity, or security for the payment of money or for the delivery or conveyance of anything of value, to any Member of either House of Congress, or Delegate to Congress, or Resident Commissioner, after his election or appointment and either before or after he has qualified, and during his continuance in office, or to any person with his consent, connivance, or concurrence, with intent to influence his action, vote, or decision, on any question, matter, cause, or proceeding which may at any time be pending in either House of Congress, or before any committee thereof, or which by law or under the Constitution may be brought before him in his official capacity or in

Id., sec. 111.
Offering bribe,
etc., to Member
of Congress.
Sec. 5450, R. S.

Penalty.

his place as such Member, Delegate, or Resident Commissioner, shall be fined not more than three times the amount of money or value of the thing so promised, offered, given, made, or tendered, and imprisoned not more than three years.

Id., sec. 112.
Member of Congress taking consideration for procuring, etc., contracts, offices, etc.
Sec. 1781, R. S.

Whoever, being elected or appointed a Member of Congress, or a Delegate to Congress, or a Resident Commissioner, shall after his election or appointment and either before or after he has qualified, and during his continuance in office or being an officer or agent of the United States, shall directly or indirectly take, receive, or agree to receive from any person, any money, property, or other valuable consideration whatever, for procuring, or aiding to procure, any contract, appointive office, or place, from the United States or from any officer or department thereof for any person whatever, or for giving any such contract

Offering consideration to Members of Congress.

appointive office, or place to any person whomsoever; or whoever, directly or indirectly, shall offer, or agree to give, or shall give, or bestow, any money, property, or other valuable consideration whatever, for the procuring or aiding to procure, any such contract, appointive office, or place, shall be fined not more than ten thousand dollars and imprisoned not more than two years; and shall moreover, be disqualified from holding any office of honor, profit, or trust under the Government of the United States. Any such contract or agreement may, at the option of the President, be declared void.

Penalty.

Id., sec. 113.
Members of Congress taking compensation in matters to which United States are parties.
Sec. 1782, R. S.

Whoever, being elected or appointed a Senator, Member of or Delegate to Congress, or a Resident Commissioner, shall, after his election or appointment and either before or after he has qualified, and during his continuance in office, or being the head of a department, or other officer or clerk in the employ of the United States, shall directly or indirectly, receive, or agree to receive, any compensation whatever for any services rendered or to be rendered to any person, either by himself or another, in relation to any proceeding, contract, claim, controversy, charge, accusation, arrest, or other matter or thing in which the United States is a party or directly or indirectly interested, before any department, court-martial, bureau, officer, or any civil, military, or naval commission whatever, shall be fined not more than ten thousand dollars and imprisoned not more than two years; and shall, moreover, thereafter be incapable of holding any

Penalty.

office of honor, trust, or profit under the Government of the United States.

Whoever, being an officer of the United States, or a person acting for or on behalf of the United States, in any official capacity, under or by virtue of the authority of any department or office of the Government thereof; or whoever, being an officer or person acting for or on behalf of either House of Congress, or of any committee of either House, or of both Houses thereof, shall ask, accept, or receive any money, or any contract, promise, undertaking, obligation, gratuity, or security for the payment of money, or for the delivery or conveyance of anything of value, with intent to have his decision or action on any question, matter, cause, or proceeding which may at any time be pending, or which may by law be brought before him in his official capacity, or in his place of trust or profit, influenced thereby, shall be fined not more than three times the amount of money or value of the thing so asked, accepted, or received, and imprisoned not more than three years; and shall, moreover, forfeit his office or place and thereafter be forever disqualified from holding any office of honor, trust, or profit under the Government of the United States.

Id., sec. 117.
United States
officer accepting
bribe.
Secs. 5501, and
5502, R. S.

Penalty.

Whoever, directly or indirectly, shall give or offer, or cause to be given or offered, any money, property, or value of any kind, or any promise or agreement therefor, or any other bribe, to any judge, judicial officer, or other person authorized by any law of the United States to hear or determine any question, matter, cause, proceeding, or controversy, with intent to influence his action, vote, opinion, or decision thereon, or because of any such action, vote, opinion, or decision, shall be fined not more than twenty thousand dollars, or imprisoned not more than fifteen years, or both; and shall forever be disqualified to hold any office of honor, trust, or profit under the United States.

Id., sec. 131.
Bribery of a
judge, judicial of-
ficer, or person
authorized to
hear, etc.
Sec. 5449, R. S.

Penalty.

Whoever, being a juror, referee, arbitrator, appraiser, assessor, auditor, master, receiver, United States commissioner, or other person authorized by any law of the United States to hear or determine any question, matter, cause, controversy, or proceeding, shall ask, receive, or agree to receive, any money, property, or value of any kind, or any promise or agreement therefor, upon any agreement or understanding that his vote, opinion, action,

Id., sec. 133.
Juror, etc., ac-
cepting bribe.

judgment, or decision shall be influenced thereby, or be cause of any such vote, opinion, action, judgment, or decision, shall be fined not more than two thousand dol lars, or imprisoned not more than two years, or both.

Penalty.

Id., sec. 134.
Witness accept-
ing bribe.

Whoever, being, or about to be, a witness upon a trial hearing, or other proceeding, before any court or an officer authorized by the laws of the United States to hear evidence or take testimony, shall receive, or agree or offer to receive, a bribe, upon any agreement or understanding that his testimony shall be influenced thereby or that he will absent himself from the trial, hearing, or other proceeding, or because of such testimony, or such absence, shall be fined not more than two thousand dol lars, or imprisoned not more than two years, or both.

Penalty.

Id., sec. 21.
Conspiring to
prevent officer
from performing
duties.
Sec. 5518, R. S.

If two or more persons in any State, Territory, or Dis trict conspire to prevent, by force, intimidation, or threa any person from accepting or holding any office, trust or place of confidence under the United States, or from discharging any duties thereof; or to induce by like means any officer of the United States to leave any State Territory, district, or place, where his duties as an officer are required to be performed, or to injure him in his person or property on account of his lawful discharge of the duties of his office, or while engaged in the lawful discharge thereof, or to injure his property so as to molest, interrupt, hinder, or impede him in the discharge of his official duties, each of such persons shall be fine not more than five thousand dollars, or imprisoned not more than six years, or both.

Penalty.

Sec. 1980, R. S.
Conspiracy.
July 31, 1861, c.
33, v. 12, p. 284;
Apr. 20, 1871, c.
22, sec. 2, v. 17, p.
13; Mar. 1, 1875, c.
114, sec. 2, v. 18,
p. 336.

First. If two or more persons in any State or Territor y conspire to prevent, by force, intimidation, or threa any person from accepting or holding any office, trust or place of confidence under the United States, or from discharging any duties thereof; or to induce by like means any officer of the United States to leave any State district, or place, where his duties as an officer are re quired to be performed, or to injure him in his person or property on account of the lawful discharge of the duties of his office, or while engaged in the lawful discharge thereof, or to injure his property so as to molest, inter rupt, hinder, or impede him in the discharge of his official duties;

Second. If two or more persons in any State or Ter ritory conspire to deter, by force, intimidation, or threa

any party or witness in any court of the United States from attending such court, or from testifying to any matter pending therein, freely, fully, and truthfully, or to injure such party or witness in his person or property on account of his having so attended or testified, or to influence the verdict, presentment, or indictment of any grand or petit juror in any such court, or to injure such juror in his person or property on account of any verdict, presentment, or indictment lawfully assented to by him, or of his being or having been such juror; or if two or more persons conspire for the purpose of impeding, hindering, instructing, or defeating in any manner, the due course of justice in any State or Territory, with intent to deny to any citizen the equal protection of the laws, or to injure him or his property for lawfully enforcing, or attempting to enforce, the right of any person, or class of persons, to the equal protection of the laws;

Third. * * * In any case of conspiracy set forth in this section, if one or more persons engaged therein do, or cause to be done, any act in furtherance of the object of such conspiracy, whereby another is injured in his person or property, or deprived of having and exercising any right or privilege of a citizen of the United States, the party so injured or deprived may have an action for the recovery of damages, occasioned by such injury or deprivation, against any one or more of the conspirators.

Every person who, having knowledge that any of the wrongs conspired to be done, and mentioned in the preceding section, are about to be committed, and having power to prevent or aid in preventing the commission of the same, neglects or refuses so to do, if such wrongful act be committed, shall be liable to the party injured, or his legal representatives, for all damages caused by such wrongful act, which such person by reasonable diligence could have prevented; and such damages may be recovered in an action on the case; and any number of persons guilty of such wrongful neglect or refusal may be joined as defendants in the action; and if the death of any party be caused by any such wrongful act and neglect, the legal representatives of the deceased shall have such action therefor, and may recover not exceeding five thousand dollars damages therein, for the benefit of the widow of

Sec. 1981, R. S.
Action for neglect to prevent conspiracy.
Apr. 20, 1871, c. 22, sec. 6, v. 17, p. 15.

the deceased, if there be one, and if there be no widow then for the benefit of the next of kin of the deceased. But no action under the provisions of this section shall be sustained which is not commenced within one year after the cause of action has accrued.

Criminal Code, sec. 37.
Conspiracy. Sec. 5440, R. S.
Act May 17, 1879, 21 Stat. L., 4, c. 8.

If two or more persons conspire either to commit an offense against the United States, or to defraud the United States in any manner or for any purpose, and one or more of such parties do any act to effect the object of the conspiracy, each of the parties to such conspiracy shall be fined not more than ten thousand dollars, or imprisoned not more than two years, or both.

Penalty.

Act May 21, 1872, 17 Stat. L., 137.
Penalty upon claim agents, etc., for retaining without consent or refusing to deliver discharge papers or land warrants of any soldier, etc.

That any claim-agent, attorney, or other person engaged in the collection of claims for pay, bounty, pension, or other allowances for any soldier, sailor, or marine or for any commissioned officer of the military or naval forces, or who may have been a soldier, sailor, marine, officer of the regular or volunteer forces of the United States, and honorably discharged, who shall retain, without the consent of the owner or owners thereof, or shall refuse to deliver or account for the same upon demand duly made by the owner or owners thereof, or by their agent or attorney, the discharge-papers or land-warrant of any such soldier, sailor, or marine, or commissioned officer which may have been placed in his hands for the purpose of collecting said claims, shall be deemed guilty of a misdemeanor, and shall, upon conviction, be punished by fine not exceeding five hundred dollars, or by imprisonment not exceeding six months, or both, at the discretion of the court, and shall thereafter be debarred from prosecuting any such claim in any executive department of the Government.

Sec. 5485, R. S.
Attorney for pensions demanding more than legal fee, etc.
Act Mar. 3, 1873, sec. 31, 17 Stat. L., 575.

Any agent or attorney, or any other person instrumental in prosecuting any claim for pension or bounty land, who shall directly or indirectly contract for, or demand, or receive or retain any greater compensation for his services, or instrumentality in prosecuting a claim for pension or bounty land than is provided in the Title pertaining to pensions, or who shall wrongfully withhold from a pensioner or claimant the whole or any part of the pension or claim allowed and due such pensioner or claimant, or the land-warrant issued to any such claimant, shall be deemed guilty of a high misdemeanor, and upon conviction thereof, shall for every such offense

ned not exceeding five hundred dollars, or imprisonment at hard labor not exceeding two years, or both, at the discretion of the court.

“SEC. 4785. No agent or attorney or other person shall demand or receive any other compensation for his services in prosecuting a claim for pension or bounty land than such as the Commissioner of Pensions shall direct to be paid to him, not exceeding twenty-five dollars; nor shall such agent, attorney or other person demand or receive such compensation, in whole or in part, until such pension or bounty-land claim shall be allowed: *Provided*, that in all claims allowed since June twentieth eighteen hundred and seventy-eight where it shall appear to the satisfaction of the Commissioner of Pensions that the fee of ten dollars, or any part thereof, has not been paid, he shall cause the same to be deducted from the pension, and the pension agent to pay the same to the recognized attorney.”

* * * Any agent or attorney or other person instrumental in prosecuting any claim for pension or bounty land, who shall directly or indirectly contract for, demand or receive or retain any greater compensation for his services or instrumentality in prosecuting a claim for pension or bounty land than is herein provided, or for payment thereof at any other time or in any other manner than is herein provided, or who shall wrongfully withhold from a pensioner or claimant the whole or any part of the pension or claim allowed and due such pensioner or claimant, or the land warrant issued to any such claimant, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall for every such offense be fined not exceeding five hundred dollars, or imprisoned at hard labor not exceeding two years, or both, in the discretion of the court.

That no agent, attorney, or other person engaged in preparing, presenting, or prosecuting any claim under the provisions of this act shall, directly or indirectly, contract for, demand, receive, or retain for such services in preparing, presenting, or prosecuting such claim a sum greater than ten dollars, which sum shall be payable only upon the order of the Commissioner of Pensions, by the pension agent making payment of the pension allowed, and any person who shall violate any of the provisions of this section, or who shall wrongfully withhold from a pensioner or claimant the whole or any part of a pension

Act July 4 1884,
23 Stat. L., 99, c.
181, sec. 3, part.
Fees of attorney
for prosecuting
claims.

Fees not paid in
certain cases to be
deducted from
pension.

Sec. 4, id., part.
Penalty for vio-
lation of act relat-
ing to fees or com-
pensation.

Act June 27,
1890, 26 Stat. L.,
183, c. 634, sec. 4.
Attorney, fee of.

Wrongfully
withholding
pension from
pensioner.

or claim allowed or due such pensioner or claimant under this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall, for each and every such offence, be fined not exceeding five hundred dollars, or be imprisoned at hard labor not exceeding two years, or both, in the discretion of the court.

Fine and imprisonment.

Act Apr. 19, 1908, 35 Stat. L., 64, c. 147, sec. 3. Attorneys, etc.; fees restricted.

That no claim agent or attorney shall be recognized in the adjudication of claims under the first section of this Act, and that no agent, attorney, or other person engaged in preparing, presenting, or prosecuting any claim under the provisions of the second section of this Act shall, directly or indirectly, contract for, demand, receive, or retain for such services in preparing, presenting, or prosecuting such claim a sum greater than ten dollars, which sum shall be payable only upon the order of the Commissioner of Pensions by the pension agent making payment of the pension allowed; and any person who shall violate any of the provisions of this section or who shall wrongfully withhold from the pensioner or claimant the whole or any part of a pension or claim allowed or due such pensioner or claimant under this Act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall, for each and every such offense, be fined not exceeding five hundred dollars or be imprisoned at hard labor not exceeding two years, or both, in the discretion of the court.

Amount.

Penalty.

Act Mar. 3, 1891, 26 Stat. L., 1082, c. 548, part. Attorney's fee; increase and special-act claims.

Hereafter no agent or attorney shall demand, receive, or be allowed any compensation under existing laws exceeding two dollars in any claim for increase of pension on account of the increase of the disability for which the pension has been allowed, or for services rendered in securing the passage of any special act of Congress granting a pension or an increase of pension in any case that has been presented at the Pension Office or is allowable under the general pension laws:¹ *And provided further* That any agent, attorney, or other person instrumental in prosecuting any claim for increase of pension on account of the increase of disability for which pension is allowed, or who has rendered services in procuring the passage of any special act of Congress granting a pension or an increase of pension in any case that has been presented at the Pension Office or is allowable under the general pension laws, who shall directly or indirectly contract for, demand, receive, or retain any compensation

Penalty for taking illegal fee.

¹ See act May 28, 1908, post.

tion for such services, except as hereinbefore provided, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall, for each and every such offense, be fined not exceeding five hundred dollars or imprisoned, not exceeding two years or both, in the discretion of the court: *Provided, however,* That the foregoing provisions in relation to fees of agents or attorneys shall not apply to any case now pending where there is an existing lawful contract express or implied.

Proviso.

That hereafter no pension attorney, claim agent, or other person shall be entitled to receive any compensation for services rendered in securing the introduction of a bill or the passage thereof through Congress granting pension or increase of pension, and any person who shall, directly or indirectly, contract for, demand, receive, or retain any compensation for such services shall be deemed guilty of an offense, and upon conviction thereof shall, for each and every such offense, be fined not exceeding five hundred dollars or imprisoned not exceeding two years, or both, in the discretion of the court.¹

Act May 28, 1908, 35 Stat. L., 419, c. 208, part.

Penalty for attempting to secure special legislation.

That no fee, compensation, or allowance shall be paid to, received, or accepted by any agent, attorney, or other person instrumental in the prosecution of any claim for pension under this act; and any person who may make any claim upon any applicant for any fee, compensation, or allowance shall be guilty of a misdemeanor, and upon conviction shall be fined not exceeding five hundred dollars, or imprisoned at hard labor not exceeding one year, or both, in the discretion of the court; and it shall be the duty of the Interior and War Departments to render all proper aid to applicants under this act.

Act Aug. 5, 1892, 27 Stat. L., 348, c. 379, sec. 2.

Pensions to army nurses. No fees or compensation to attorneys.

Every pension agent, or other person employed or appointed by him, who takes, receives, or demands any fee or reward from any pensioner for any service in connection with the payment of his pension, shall be fined not more than five hundred dollars.

Criminal Code, sec. 108.

Pension agent taking fee. Sec. 5487, R. S.

Penalty.

That section forty-seven hundred and forty-five, title fifty-seven of the Revised Statutes of the United States is hereby amended to read as follows:

Act Feb. 28, 1883, 22 Stat. L., 432, c. 58, sec. 2. Sec. 4745 amended.

SEC. 4745. Any pledge, mortgage, sale, assignment, or transfer of any right, claim, or interest in any pension which has been, or may hereafter be, granted, shall be void and of no effect, and any person who shall pledge, or re-

Any pledge or transfer of pension void, and the pledge or receipt of same a misdemeanor.

¹This language was first used in the pension appropriation act of Mar. 10, 1902, 32 Stat. L., 62, c. 147, and is last used in the act above printed.

ceive as a pledge, mortgage, sale, assignment or transfer of any right, claim, or interest in any pension, or pension certificate, which has been, or may hereafter be granted or issued, or who shall hold the same as collateral security for any debt, or promise, or upon any pretext of such security, or promise, shall be guilty of a misdemeanor and upon conviction thereof shall be fined in a sum not exceeding one hundred dollars and the costs of the prosecution; and any person who shall retain the certificate of a pensioner and refuse to surrender the same upon the demand of the Commissioner of Pensions, or a United States pension agent, or any other person authorized by the Commissioner of Pensions or the pensioner to receive the same shall be guilty of a misdemeanor, and upon conviction thereof shall be fined in a sum not exceeding one hundred dollars and the costs of the prosecution.

Penalties.

Act Feb. 27,
1906, 34 Stat. L..
48, c. 510, sec. 3.
Sec. 3679, R. S.,
amended.
Act Mar. 3, 1905,
33 Stat. L., 1257.

That section thirty-six hundred and seventy-nine of the Revised Statutes of the United States, as amended by section four of the deficiency appropriation act approved March third, nineteen hundred and five, is hereby further amended to read as follows:

Expenditures
in excess of ap-
propriation for-
bidden.

“SEC. 3679. No Executive Department or other Government establishment of the United States shall expend, in any one fiscal year, any sum in excess of appropriation made by Congress for that fiscal year, or involve the Government in any contract or other obligation for the future payment of money in excess of such appropriations unless such contract or obligation is authorized by law. Nor shall any Department or any officer of the Government accept voluntary service for the Government or employ personal service in excess of that authorized by law, except in cases of sudden emergency involving the loss of human life or the destruction of property. All appropriations made for contingent expenses or other general purposes, except appropriations made in fulfillment of contract obligations expressly authorized by law, or for objects required or authorized by law without reference to the amounts annually appropriated therefor, shall, on or before the beginning of each fiscal year, be so apportioned by monthly or other allotments as to prevent expenditures in one portion of the year which may necessitate deficiency or additional appropriations to complete the service of the fiscal year for which said appropriations are made; and all such apportionments shall be

Voluntary service.

Allotments to
prevent deficiencies.

adhered to and shall not be waived or modified except upon the happening of some extraordinary emergency or unusual circumstance which could not be anticipated at the time of making such apportionment, but this provision shall not apply to the contingent appropriations of the Senate or House of Representatives; and in case said apportionments are waived or modified as herein provided, the same shall be waived or modified in writing by the head of such Executive Department or other Government establishment having control of the expenditure, and the reasons therefor shall be fully set forth in each particular case and communicated to Congress in connection with estimates for any additional appropriations required on account thereof. Any person violating any provision of this section shall be summarily removed from office and may also be punished by a fine of not less than one hundred dollars or by imprisonment for not less than one month."

Exceptions in emergencies.

Contingent appropriations of Senate and House not included.

Written orders required.

Penalty.

Whoever, with intent to defraud either the United States or any person, shall falsely assume or pretend to be an officer or employee acting under the authority of the United States, or any Department, or any officer of the Government thereof, and shall take upon himself to act as such, or shall in such pretended character demand or obtain from any person or from the United States, or any Department, or any officer of the Government thereof, any money, paper, document, or other valuable thing, shall be fined not more than one thousand dollars, or imprisoned not more than three years, or both.

Criminal Code, sec. 32.

Falsely pretending to be United States officer.

Act Apr. 18' 1884, 23 Stat. L. 11.

Penalty.

Whoever shall falsely personate any true and lawful holder of any share or sum in the public stocks or debt of the United States, or any person entitled to any annuity, dividend, pension, prize money, wages, or other debt due from the United States, and, under color of such false personation, shall transfer or endeavor to transfer such public stock or any part thereof, or shall receive or endeavor to receive the money of such true and lawful holder thereof, or the money of any person really entitled to receive such annuity, dividend, pension, prize money, wages, or other debt, shall be fined not more than five thousand dollars and imprisoned not more than ten years.

Id., sec. 33.

False personation of holder of public stocks, pensioner, etc.

Sec. 5435, R. S.

Penalty.

Whoever shall knowingly or fraudulently demand or endeavor to obtain any share or sum in the public stocks of the United States, or to have any part thereof trans-

Id., sec. 34.

False demand on fraudulent power of attorney.

Sec. 5436, R. S.

Penalty.

ferred, assigned, sold, or conveyed, or to have any annuity, dividend, pension, prize money, wages, or other debt due from the United States, or any part thereof, received, or paid by virtue of any false, forged, or counterfeited power of attorney, authority, or instrument, shall be fined not more than five thousand dollars and imprisoned not more than ten years.

Act Feb. 10,
1891, 26 Stat. L.,
746, c. 130.
Secs. 4783 and
5486, R. S.,
amended.

That sections forty-seven hundred and eighty-three and fifty-four hundred and eighty-six of the Revised Statutes be, and the same are hereby, so amended as to read as follows:

Embezzlement
of pension
money.

“Every guardian, conservator, curator, committee, tutor, or other person having charge and custody in a fiduciary capacity of the pension of his ward, who shall embezzle the same in violation of his trust, or fraudulently convert the same to his own use, shall be punished by fine not exceeding two thousand dollars or imprisonment at hard labor for a term not exceeding five years, or both at the discretion of the court.”

Criminal Code,
sec. 86.

Receipting for
larger sums than
are paid.
Sec. 5483, R. S.

Whoever, being an officer, clerk, agent, employee, or other person charged with the payment of any appropriation made by Congress, shall pay to any clerk or other employee of the United States a sum less than that provided by law, and require such employee to receipt or give a voucher for an amount greater than that actually paid to and received by him, is guilty of embezzlement and shall be fined in double the amount so withheld from any employee of the Government and imprisoned no more than two years.

Penalty.

Id., sec. 90.
Failure of offi-
cer to render ac-
counts.
Sec. 5491, R. S.

Every officer or agent of the United States who, having received public money which he is not authorized to retain as salary, pay, or emolument, fails to render his accounts for the same as provided by law shall be deemed guilty of embezzlement, and shall be fined in a sum equal to the amount of the money embezzled and imprisoned not more than ten years.

Penalty.

Id., sec. 94.
Prima facie evi-
dence of embez-
zlement.
Sec. 5495, R. S.

The refusal of any person, whether in or out of office, charged with the safe-keeping, transfer, or disbursement of the public money to pay any draft, order, or warrant drawn upon him by the proper accounting officer of the Treasury, for any public money in his hands belonging to the United States, no matter in what capacity the same may have been received, or may be held, or to transfer or disburse any such money, promptly, upon the legal requirement of any authorized officer, shall be deemed

upon the trial of any indictment against such person for embezzlement, prima facie evidence of such embezzlement.

If any officer charged with the disbursement of the public moneys accepts, receives, or transmits to the Treasury Department to be allowed in his favor any receipt or voucher from a creditor of the United States without having paid to such creditor in such funds as the officer received for disbursement, or in such funds as he may be authorized by law to take in exchange, the full amount specified in such receipt or voucher, every such act is an act of conversion by such officer to his own use of the amount specified in such receipt or voucher.

Id., sec. 95.
Evidence of
conversion.
Sec. 5496, R. S.

Whoever shall take and carry away, without authority from the United States, from the place where it has been filed, lodged, or deposited, or where it may for the time being actually be kept by authority of the United States, any certificate, affidavit, deposition, written statement of facts, power of attorney, receipt, voucher, assignment, or other document, record, file, or paper, prepared, fitted, or intended to be used or presented in order to procure the payment of money from or by the United States, or any officer or agent thereof, or the allowance or payment of the whole or any part of any claim, account, or demand against the United States, whether the same has or has not already been so used or presented, and whether such claim, account, or demand, or any part thereof, has or has not already been allowed or paid; or whoever shall present, use, or attempt to use, any such document, record, file, or paper so taken and carried away, in order to procure the payment of any money from or by the United States, or any officer or agent thereof, or the allowance or payment of the whole or any part of any claim, account, or demand against the United States, shall be fined not more than five thousand dollars, or imprisoned not more than ten years, or both.

Id., sec. 40.
Unlawfully taking or using papers in claim.
Sec. 5454, R. S.

Penalty.

Whoever shall rob another of any kind or description of personal property belonging to the United States, or shall feloniously take and carry away the same, shall be fined not more than five thousand dollars, or imprisoned not more than ten years, or both.

Id., sec. 46.
Robbery of personal property of United States.
Sec. 5456, R. S.

Penalty.

Whoever shall embezzle, steal, or purloin any money, property, record, voucher, or valuable thing whatever, of the moneys, goods, chattels, records, or property of the United States, shall be fined not more than five thousand dollars, or imprisoned not more than five years, or both.

Id., sec. 47.
Embezzling public moneys, etc.
Act Mar. 3, 1875,
18 Stat. L., 479,
sec. 1.

Id., sec. 48.
Receivers, etc.,
of stolen public
property.
Act Mar. 3, 1875,
18 Stat. L., 479,
sec. 2.

Whoever shall receive, conceal, or aid in concealing, or shall have or retain in his possession with intent to convert to his own use or gain, any money, property, record, voucher, or valuable thing whatever, of the moneys, goods, chattels, records, or property of the United States which has theretofore been embezzled, stolen, or purloined by any other person, knowing the same to have been so embezzled, stolen, or purloined, shall be fined not more than five thousand dollars, or imprisoned not more than five years, or both; and such person may be tried either before or after the conviction of the principal offender.

Id., sec. 128.
Destroying, etc.,
public records.
Sec. 5403, R. S.

Whoever shall willfully and unlawfully conceal, remove, mutilate, obliterate, or destroy, or attempt to conceal, remove, mutilate, obliterate, or destroy, or with intent to conceal, remove, mutilate, obliterate, destroy, or steal, shall take and carry away any record, proceeding, map, book, paper, document, or other thing, filed or deposited with any clerk or officer of any court of the United States, or in any public office, or with any judicial or public officer of the United States, shall be fined not more than two thousand dollars, or imprisoned not more than three years, or both.

Penalty.

Id., sec. 129.
Destroying rec-
ords by officer in
charge.
Sec. 5408, R. S.

Whoever, having the custody of any record, proceeding, map, book, document, paper, or other thing specified in the preceding section, shall willfully and unlawfully conceal, remove, mutilate, obliterate, falsify, or destroy any such record, proceeding, map, book, document, paper, or other thing, shall be fined not more than two thousand dollars or imprisoned not more than three years, or both; and shall moreover forfeit his office and be forever afterwards disqualified from holding any office under the Government of the United States.

Penalty.

Id., sec., 85.
Extortion by
officials.
Sec. 5481, R. S.,
as amended by
act June 28, 1906,
34 Stat. L., 546.

Every officer, clerk, agent, or employee of the United States, and every person representing himself to be or assuming to act as such officer, clerk, agent, or employee who, under color of his office, clerkship, agency, or employment, or under color of his pretended or assumed office, clerkship, agency, or employment, is guilty of extortion, and every person who shall attempt any act which if performed would make him guilty of extortion shall be fined not more than five hundred dollars, or imprisoned not more than one year, or both.

Penalty.

Whoever shall, under a threat of informing, or as a consideration for not informing, against any violation of any law of the United States, demand or receive any money or other valuable thing, shall be fined not more than two thousand dollars, or imprisoned not more than one year, or both.

Id., sec. 145.
Extortion by informer.

Penalty.

Whoever, having knowledge of the actual commission of the crime of murder or other felony cognizable by the courts of the United States, conceals and does not as soon as may be disclosed and make known the same to some one of the judges or other persons in civil or military authority under the United States, shall be fined not more than five hundred dollars, or imprisoned not more than three years, or both.

Id., sec. 146.
Misprision of felony.
Sec. 5390, R. S.

Penalty.

Whoever directly commits any act constituting an offense defined in any law of the United States, or aids, abets, counsels, commands, induces, or procures its commission, is a principal.

Id., sec. 332.
Who are principals.
Secs. 5323 and 5427, R. S.

Whoever, except as otherwise expressly provided by law, being an accessory after the fact to the commission of any offense defined in any law of the United States, shall be imprisoned not exceeding one-half the longest term of imprisonment, or fined not exceeding one-half the largest fine prescribed for the punishment of the principal, or both, if the principal is punishable by both fine and imprisonment; or if the principal is punishable by death, then an accessory shall be imprisoned not more than ten years.

Id., sec. 333.
Punishment of accessories.
Secs. 5533 and 5535, R. S.

All offenses which may be punished by death, or imprisonment for a term exceeding one year, shall be deemed felonies. All other offenses shall be deemed misdemeanors.

Id., sec. 335.
Felonies and misdemeanors defined.

The repeal of existing laws or modifications thereof embraced in this title shall not affect any act done, or any right accruing or accrued, or any suit or proceeding had or commenced in any civil cause prior to said repeal or modifications, but all liabilities under said laws shall continue and may be enforced in the same manner as if said repeal or modifications had not been made.

Id., sec. 342.
Accrued rights, etc., not affected.

All offenses committed, and all penalties, forfeitures, or liabilities incurred prior to the taking effect hereof, under any law embraced in, or changed, modified, or repealed by this title, may be prosecuted and punished in the same manner and with the same effect as if this Act had not been passed.

Id., sec. 343.
Prosecutions and punishments.

Id., sec. 344.
Acts of limita-
tion.

All acts of limitation, whether applicable to civil causes and proceedings, or for the recovery of penalties or forfeitures, embraced in, modified, changed, or repealed by this title, shall not be affected thereby; and all suits or proceedings for causes arising or acts done or committed prior to the taking effect hereof may be commenced and prosecuted within the same time and with the same effect as if said repeal had not been made.

Id., sec. 345.
In effect Jan.
1, 1910.

This Act shall take effect and be in force on and after the first day of January, nineteen hundred and ten.

Sec. 1044, R. S.
Statute of limita-
tions.
Acts Apr. 30,
1790, sec. 32, 1
Stat. L., 119; Apr.
13, 1876, 19 Stat.
L., 32, 33.

No person shall be prosecuted, tried or punished for any offense not capital, except as provided in section one thousand and forty-six, unless the indictment is found or the information is instituted within three years next after such offense shall have been committed. But this act shall not have effect to authorize the prosecution, trial or punishment for any offense, barred by the provision of existing laws.

Sec. 1045, R. S.
Fleeing from
Justice.
Act Apr. 30,
1790, sec. 32, 1
Stat. L., 119.

Nothing in the two preceding sections shall extend to any person fleeing from justice.¹

¹ Sec. 1043 relates to capital offenses.

Chapter XI.

REGULATIONS AND INSTRUCTIONS RELATING TO PENSION CLAIMS.

DECLARATIONS AND EVIDENCE.

PENSIONS TO SURVIVORS OF WARS PRIOR TO MAR. 4, 1861, AND THEIR WIDOWS.
PENSIONS TO INVALIDS SINCE MAR. 4, 1861.
EVIDENCE REQUIRED IN INVALID CLAIMS.
NAVY SERVICE PENSIONS.
PENSIONS TO WIDOWS SINCE MAR. 4, 1861.
PENSIONS TO MINORS SINCE MAR. 4, 1861.
PENSIONS TO HELPLESS CHILDREN.
PENSIONS TO DEPENDENT RELATIVES.
CLAIMS FOR RENEWAL AND RESTORATION.
PENSIONS TO ARMY NURSES.

DIVISION OF PENSION, ACT OF MAR. 3, 1899.
CLAIMS FOR SHARE OF PENSION OF INMATES OF THE GOVERNMENT HOSPITAL FOR THE INSANE.
CLAIMS FOR PAYMENT OF PENSION TO WIVES OF INSANE PENSIONERS, OR TO WIVES OF PENSIONERS UNDERGOING IMPRISONMENT.
ACCRUED AND REIMBURSEMENT CLAIMS.
WITNESSES AND TESTIMONY.
COPIES OR ORIGINALS OF PAPERS.
MISCELLANEOUS.

REGULATIONS AND INSTRUCTIONS RELATING TO PENSION CLAIMS.

DECLARATIONS AND EVIDENCE.

All declarations and affidavits must be executed before some officer duly authorized to administer oaths for general purposes, in accordance with the provisions of the act of Congress approved July 26, 1892, page 81.

Blank forms of declarations will be furnished to claimants upon application therefor. They will not be furnished to agents or attorneys in bulk, but sample forms will be sent on request.

A claimant may prosecute his claim by attorney or in person, and if he prosecute it in person it will receive the same consideration by the Bureau of Pensions as it would receive if prosecuted by an attorney.

PENSIONS TO SURVIVORS OF WARS PRIOR TO 1861, AND TO THEIR WIDOWS.

1. *War of the Revolution, service pensions.*—(a) Widows of soldiers who served for 14 days or more, or were in battle during the war, are entitled, provided they have not remarried, to \$8 per month from March 9, 1878, and \$12 per month from March 19, 1886. (b) The widow of a Revolutionary soldier who, in his lifetime, was granted a pension, is entitled, under section 4743, Revised Statutes, to pension at the same rate as was paid the husband, notwithstanding remarriage, upon proof of present widowhood. (c) There is no law granting pension to the daughters or other descendants of soldiers

of the Revolution. The daughters of Revolutionary soldiers now drawing pensions were placed on the pension roll by special acts of Congress.

2. *War of 1812, service pensions.*—(a) Under the act of March 9, 1878, soldiers and sailors who served 14 days or more, or were in any engagement, during this war, and were honorably discharged, and the widows of such soldiers and sailors, irrespective of the date of marriage, are entitled to \$8 per month from March 9, 1878. Under the act of March 19, 1886, widow pensioners mentioned in this paragraph are entitled to \$12 per month from that date. (b) There is no law granting service pensions to the descendants of soldiers or sailors of the War of 1812.

3. *Indian wars from 1832 to 1842, service pensions.*—(a) The act of July 27, 1892, provides pensions for the surviving officers and enlisted men, including marines, militia, and volunteers, who were in the military or naval service of the United States for 30 days in the Black Hawk War, the Creek War, the Cherokee disturbances, or the Florida War with the Seminole Indians, and were honorably discharged; or who were personally named in any resolution of Congress for specific services therein; and for their widows, provided they have not remarried. Claimants under this act must be actual and bona fide residents of the United States at the date of making application. All pensions under this act are fixed at \$8 per month, irrespective of rank, are not subject to increase for any cause,¹ and are payable from July 27, 1892; the pension of a widow whose husband was living on that date commences from the day of his death.

Indian wars from 1817 to 1858.—The provisions of the foregoing act of July 27, 1892, were extended by the act of June 27, 1902, from the date of its passage, to the surviving officers and enlisted men, including marines, militia, and volunteers of the military and naval service of the United States who served for 30 days or more and were honorably discharged under the United States military, State, Territorial, or provisional authorities in certain specified Indian wars occurring from 1817 to 1858. This act also made provision for the surviving widows, who have not remarried, of such officers and men. In establishing these claims a record of pay by the United States is accepted to prove record of enlistment and service.

Indian wars, etc., from 1855 to 1860.—The provisions of the foregoing act of July 27, 1892, were extended by the act of May 30, 1902, to the surviving officers and enlisted men of the Texas volunteers who served in the defense of the frontier of that State against Mexican marauders and Indian depredations from the year 1855 to the year

¹ Sec. 1, act Apr. 19, 1908, establishes a minimum rate of \$12 per month for all pensions granted to widows. After that date the rate allowable to the widows of officers and enlisted men who served in the Indian wars is increased from \$8 to \$12 per month.

1860, inclusive, and to the surviving widows, who have not remarried, of such officers and men. In establishing these claims, where there is no record of enlistment or muster into the service of the United States, the fact of reimbursement to the State of Texas by the United States, as evidenced by the muster rolls and vouchers on file in the War Department, shall be accepted as full and satisfactory proof of such enlistment and service.

4. *Mexican War, service pensions.*—(a) Under the act of January 29, 1887, officers and enlisted men who were in the military or naval service of the United States for 60 days in the Mexican War, or on the coasts or frontier thereof, or en route thereto, or who were in a battle and were honorably discharged, or who were personally named in any resolution of Congress for specific services therein, are entitled to pension if 62 years of age; or, if not, upon proof of pensionable disability or dependence, but disability incurred while voluntarily aiding or abetting the late rebellion does not give title to pension. (b) Widows of officers and enlisted men who served as above are entitled to pension upon the same conditions as to age or dependence as apply to officers and enlisted men. (c) Pensions under this act commence on January 29, 1887, if a pensionable condition existed at that date, in survivors' claims, by reason of age, dependence, or disability, and in widows' claims, by reason of age or dependence; if not, then on the date the applicant becomes 62 years of age, or dependent, or disabled within the meaning of the law. (d) The rate of pension to survivors is \$8 per month, irrespective of rank. This rate for survivors was increased by the act of January 5, 1893, to \$12 per month, but its benefits were limited to those who were pensioners on January 5, 1893. To secure this increase the act requires that a pensioner must show that he is wholly disabled for manual labor and in such destitute circumstances that \$8 per month is a sum insufficient to provide him with the necessaries of life. The act of April 23, 1900, removed the limitation imposed in the act of January 5, 1893. The act of March 3, 1903, pensions all survivors of the Mexican War at \$12 per month, irrespective of the conditions named in the act of January 5, 1893, and the act of April 23, 1900. (e) The pension to a widow under this act is \$8 per month, and is not subject to increase.¹ (f) Descendants of deceased Mexican soldiers are not entitled to service pension.

Act of February 6, 1907.—Under this act any person who served 60 days in the War with Mexico in the military or naval service of the United States and has been honorably discharged therefrom, and who has reached the age of 62 years or over, is entitled to a pension at the

¹ Sec. 1, act Apr. 19, 1908, establishes a minimum rate of \$12 per month for all pensions granted to widows. After that date the rate allowable to the widows of officers and enlisted men who served in the Mexican War is increased from \$8 to \$12 per month.

following rates, irrespective of rank: At 62 years, \$12 per month; at 70 years, \$15 per month; and at 75 years or over, \$20 per month. Pension commences from the date of filing claim in the Bureau of Pensions subsequent to February 6, 1907, after attaining the specified age.

5. *Pensions for disability or death due to service prior to March 4, 1861.*—(a) Soldiers who were wounded or injured, or who contracted disease in the line of duty, are entitled to pension corresponding in rate to the degree of the disability incurred in the service. Persons who rendered naval service are entitled to a like pension, under the same conditions, excepting that no pension may be granted to an engineer, fireman, or coalheaver for disability incurred prior to August 31, 1842. (b) The widows, or children under 16 years of age, of soldiers who served prior to March 4, 1861, are entitled to pension, if the soldier's death was due to causes originating in time of actual war, and not otherwise. Widows, or children under 16, of sailors who served prior to March 4, 1861, are entitled to pension only when the death of the sailor occurred in the service and in the line of duty. (c) Pensions mentioned in this paragraph, if not applied for within three years from the discharge or death of the person on whose account the right to pension exists, or within three years of the termination of a pension previously granted on account of the service and the death of such person, commence from the date of filing, by the person prosecuting the claim, of the last paper necessary to establish the claim. (d) The rate of pension allowed to one whose pensionable right accrued prior to March 4, 1861, is subject to variation, after July 1, 1866, in accordance with the laws passed since March 4, 1861. (e) There is no provision of law granting pensions to the parents, brothers, or sisters of persons who rendered military or naval service prior to March 4, 1861.

PENSIONS TO INVALIDS SINCE MARCH 4, 1861.

Sections 4692 and 4693, Revised Statutes.—The declaration should set forth the company and regiment in which the applicant served, the name of the commanding officer of the company or organization, and the dates of enlistment and discharge, with personal description at enlistment. In Navy cases, the vessels on which claimant served should be stated. If the claim is made on account of a wound or injury, the declaration should set forth the nature and locality of the wound or injury, the time when, the place where, and the circumstances under which it was received, and the duty upon which the applicant was engaged.

If the wound or injury was accidental, the applicant should state whether it happened through his own agency, or that of other persons, and he should detail minutely the circumstances under which it was received.

If the claim is made on account of disability from disease, the applicant should state in said declaration when the disease first appeared, the place where he was when it appeared, and the duty upon which he was engaged at the time. He should also detail the circumstances of exposure, and the causes which, in his opinion, produced the disease. Whether the application be made on account of disability from wound, injury, or disease, the claimant should state the names, addresses, and localities of all hospitals in which he received medical or surgical treatment, giving the dates of his admission hereto, as correctly as he may be able.

The applicant should state whether he was in the military or naval service prior to, or after, the term of service in which his disability originated.

The applicant should state his post-office address, including street and number, or rural free delivery route, if any.

The identity of the applicant must be shown by the testimony of two competent, credible witnesses, who must appear with him before the officer whose jurat is attached to the declaration.

EVIDENCE REQUIRED IN A CLAIM FOR INVALID PENSION.

As soon as practicable after the receipt of an application for pension a call will be made by the Bureau of Pensions, in Army cases, upon the Adjutant General, United States Army, for the full military and medical history of the applicant, as shown by the records of the War Department. In Navy cases, calls for such evidence will be made upon the proper bureaus of the Navy Department.

When the records of the War or Navy Departments do not furnish satisfactory evidence that the disability on account of which the claim is made originated in the service of the United States, and in the line of duty, the claimant will be required to furnish such evidence, in accordance with the instructions hereinafter given, and compliance with such requirement must be full and definite. If the disability resulted from a wound or injury, the nature and location of the wound or injury, the time when, the place where, and the manner in which it was received, whether in battle or otherwise, should be shown by the evidence of someone who was a commissioned officer and had personal knowledge of the facts.

If the person called upon to give evidence is still in the service as a commissioned officer, his certificate will be accepted in lieu of his affidavit. If there is no record of the disability claimed, the applicant will be called upon to furnish the testimony of the surgeon by whom he was treated, showing the location and nature of the wound or injury, and the circumstances under which it was received. If the disability arose from disease, the testimony of the person who was surgeon or assistant surgeon of the regiment to which the appli-

cant belonged, or of the vessel on which he served, should be furnished, if possible, showing the name or nature of the disease, the time when, the place where, it was contracted, and the circumstance of exposure to the causes which, in his opinion, produced the same. The surgeon should state whether, in his opinion, the habits of the applicant were contributory to the origin or development of the disease.

In any claim, whether based on wound, injury, or disease, if it be shown that the testimony of a surgeon, assistant surgeon, or other commissioned officer, can not be produced as evidence of the origin of the disability alleged, the testimony of other persons having personal knowledge of the facts will be considered.

In a claim on account of disability from disease, the applicant must furnish the testimony of physicians who have attended him since the date of discharge, explicitly setting forth the history of the disease and the disability since its first appearance. It is especially important that the physician who first attended the applicant after his discharge state the date at which the attendance commenced and the condition found at the time. If it should not be possible for the applicant to show the condition of his health during the whole period since the date of his discharge by the testimony of physician the cause of his inability to do so should be stated by him, under oath. The testimony of other persons on this point may then be presented. Statements of witnesses in regard to the manner in which the applicant was affected should be full and definite, and should show how such witnesses obtained a knowledge of the facts to which they testify.

Act of June 27, 1890, as amended by act of May 9, 1900.—An officer, soldier, sailor, or marine who served 90 days or more in the military or naval service of the United States during the late War of the Rebellion, who has been honorably discharged therefrom, and who is suffering from disability of a permanent character, not the result of his own vicious habits, which incapacitates him from the performance of manual labor in such a degree as to render him unable to earn a support, is entitled to a pension under this act not less than \$6 nor more than \$12 per month.

The act of May 9, 1900, amending the act of June 27, 1890, provides that, in determining inability to earn a support, each and every infirmity shall be considered, and the aggregate of the disabilities shown be rated. These acts require an honorable discharge from each and every term of service rendered during the War of the Rebellion. A modification of this requirement has resulted, by reason of the provisions of section 2 of the joint resolution of July 1, 1900, as amended by the joint resolution of June 28, 1906. As the law now stands the honorable discharge of any soldier or sailor from

any subsequent contract of service entered into by him during the late War of the Rebellion is regarded as an honorable discharge from all previous contracts of service previously entered into by him with the United States during the said war, if the service under such subsequent contract was for not less than six months, and was faithful, and if he had not received by reason of the subsequent service any bounty or gratuity, other than from the United States, in excess of what to which he would have been entitled if he had continued to serve faithfully until honorably discharged under any contract of service previously entered into by him during the War of the Rebellion. The limitation of section 4716, Revised Statutes, operated against claimants under these acts until July 1, 1902, the date of the passage of the joint resolution above referred to, the first section of which removed the limitation as to disloyalty, except as to those who enlisted in the Army or Navy of the United States after January 1, 1865.

Act of February 6, 1907.—By the terms of this act any person who served 90 days or more in the military or naval service of the United States during the late Civil War, and who has been honorably discharged therefrom, is entitled to a pension at the following rates, respectively of rank: At 62 years of age, \$12 per month; 70 years of age, \$15 per month; 75 years or over, \$20 per month. Pension commences from the date of filing claim in the Bureau of Pensions, subsequent to February 6, 1907, after attaining the specified age.

The bases of title under this act, except as herein otherwise stated, are the same as under the act of June 27, 1890, as amended by the act of May 9, 1900.

Claims for increase of invalid pensions.—The pensioner who may deem himself entitled to an increase of pension should file a declaration setting forth the grounds upon which he bases his claim for increase. Upon the receipt of a declaration the claimant will be advised of the evidence necessary to complete his claim, and, if it is warranted, a medical examination will be ordered.

An order for medical examination will not issue where the claimant is in receipt of the maximum rate, under the law and the rulings of the department, for the pensioned disability, such as "loss of sight of one eye," "total deafness of one ear," "hernia," "loss of limb," or any other specific or minor specific disability, for which the rate is fixed by law or departmental rulings, and where no complications are shown. Claimant will be notified that he is receiving the maximum rate of pension for the pensioned disability.

Claims for renewal of pension.—Application for renewal of pension must be made by a declaration executed as in original claims, setting forth that the cause for which pension was granted still continues.

In cases of unclaimed pensions (sec. 4719, R. S.) there must be filed evidence specifically accounting for the failure to claim the pension, and, in the case of invalids, medical evidence showing the continuance of the disability on account of which pension was allowed.

NAVY SERVICE PENSIONS.

Under sections 4756 and 4757, Revised Statutes, pensions for 20 years' service and for 10 years' service, respectively, are allowed by the Secretary of the Navy to enlisted men and appointed petty officers who have not been discharged for misconduct. Pension commences from the date of filing the claim therefor in the Navy Department and for 20 years' service amounts to one-half the monthly pay of the applicant's rating at his discharge; for 10 years' service the pension can not exceed the rate for total disability and is fixed, as is also its duration, by the Navy Department. An application for pension under the sections referred to should be made to the Secretary of the Navy, and all subsequent communications should be addressed to the Chief of the Bureau of Navigation, Navy Department, Washington, D. C.

PENSIONS TO WIDOWS SINCE MARCH 4, 1861.

Sections 4702 and 4703, Revised Statutes.—To obtain title to pension under these sections it must be shown that the soldier or sailor died of a disability contracted in the service and in the line of duty. The date, place, and cause of death of the soldier or sailor through whom the pension is claimed should be shown by a verified transcript of the public record. When the public record is indefinite as to the cause of death, and when it is necessary to show the pathological connection between the death-cause as shown in the record and the disability as proven of service origin, the testimony of the attending physician should be filed, giving a full history of the soldier's fatal illness and the mode and manner of death, but when this is impossible the testimony of other persons who are acquainted with the circumstances may be furnished.

Proof of marriage.—The marriage of the applicant to the person on account of whose service and death the claim is made should be shown—

- (1) By a duly verified copy of a public or church record; or
- (2) By the affidavit of the clergyman or magistrate who officiated; or
- (3) By the testimony of two or more eyewitnesses to the ceremony; or
- (4) By a duly verified copy of the church record of baptism of the children; or
- (5) By the testimony of two or more witnesses who know that the parties lived together as husband and wife, and were recognized as

such, and who shall state how long, within their knowledge, such cohabitation continued.

Section 4705, Revised Statutes, provides that in the claims of the widows and children of colored and Indian soldiers and sailors there need be no other evidence of marriage than satisfactory proof that the parties were joined in marriage by some ceremony deemed by them obligatory, or habitually recognized each other as man and wife, and were so recognized by their neighbors, and lived together as such up to the date of enlistment, when such soldier or sailor died in the service, or, if otherwise, to the date of his death.

Proof of dates of birth of children.—The dates of birth of children should be proved—

(1) By a duly verified copy of the public record of births, or the church record of baptism; or

(2) By the affidavit of the physician who attended the mother; or

(3) By the testimony of persons who were present at the births, who should state how they are now able to fix the precise dates.

If any child of the person on whose account the claim is made died after the date at which the widow's pension would commence, the date of death must be shown.

Act of June 27, 1890, as amended by act of May 9, 1900.—Pensions under these acts are granted to widows upon proof—

(1) That the soldier or sailor served at least 90 days during the War of the Rebellion.

(2) That he was honorably discharged.

(3) That he is dead, but his death need not have been the result of his Army or Navy service. Under the act of March 13, 1896, the death of the soldier or sailor may be presumed.

(4) That the widow is without means of support other than her daily labor and an actual net income not exceeding \$250 per annum.

(5) That she married the soldier or sailor prior to June 27, 1890.

Act of April 19, 1908.—Pensions under this act are granted to widows upon proof—

(1) That the soldier or sailor served at least 90 days during the Civil War.

(2) That he was honorably discharged.

(3) That he is dead, but his death need not have been the result of his Army or Navy service. Under the act of March 13, 1896, his death may be presumed.

(4) That she was married to the soldier or sailor prior to June 27, 1890.

PENSIONS TO MINORS SINCE MARCH 4, 1861.

Sections 4702 and 4703, Revised Statutes.—To obtain title to pension under these sections it must be shown that the father of the

minor children¹ died of a disability contracted in the service and in the line of duty; and, in addition, proof must be furnished as follows:

(1) The cause and date of the father's death, the marriage of the parents, and the dates of birth of the children, must be established. When, however, satisfactory proof upon these points has been furnished in the claim of the widow, it will not again be required in the claim on behalf of the minors.

(2) If the mother of the children is dead, the date of her death must be proved. If she remarried, her remarriage must be shown in the same manner that her marriage to the father of the children is required to be established. If the claim is based on the fact that the widow has abandoned the care of the children, or that she is an unsuitable person, by reason of immoral conduct, to have the custody of them, and such fact be duly certified under seal, by any court having probate jurisdiction, the children are given a pensionable status by section 4706, Revised Statutes, to the exclusion of the widow, until they severally attain the age of 16 years, to commence from the date of last payment to the widow, if she be a pensioner and if not, from the date on which her pensionable rights accrued.

(3) If the mother of the children died before the father, it must be shown whether he again married.

(4) It must be shown whether the father left any other pensionable child than the minors for whose benefit the claim is made, and if so, why such child was not mentioned in the application. A guardian is not entitled on account of a child that died prior to the date of the application for pension.

Act of June 27, 1890, as amended by act of May 9, 1900.—Minor children have title under these acts upon the death or remarriage of the widow of the soldier or sailor. Where, however, the widow was married to the soldier or sailor subsequent to June 27, 1890, and his death-cause did not originate in the service and in the line of duty; or where she has forfeited her title to pension by open and notorious adulterous cohabitation, the minor takes title, even though the widow be alive and unmarried.

PENSIONS TO HELPLESS CHILDREN.

The first proviso of the third section of the act of June 27, 1890, as amended by the act of May 9, 1900, continues the pension of a minor child who is insane, idiotic, or otherwise physically or mentally helpless, after it becomes 16 years of age, during the life of

¹ A minor having no guardian may make and prosecute a claim in person or by next friend, but, if the claim is allowed, payment of pension will be made to a duly appointed guardian only. If, however, the claim is filed by one who alleges that he is the legal guardian, his authority must be shown by a duly certified copy of his letters of guardianship.

said child, or during the period of such disability. The benefits of this proviso are extended to all pensions granted before June 27, 1890, or thereafter granted, under any statute. The pension allowed by the proviso commences from the date of the filing of the application therefor in the Bureau of Pensions. In order to obtain title, the helplessness of the child must have originated prior to attaining the age of 16 years, and have continued thereafter.

PENSIONS TO DEPENDENT RELATIVES.

Section 4707, Revised Statutes.—To obtain title to pension under this statute, it must be shown that the soldier or sailor died of a disability contracted in the service and in line of duty.

Dependent mothers.—A mother must show her relationship, the date and cause of the son's death, whether he left a widow or minor children surviving, and her dependence upon him for support at the time of his death.

In proof of dependence, it must be shown that previous to the date of the said son's decease, her husband had died, or that he had permanently abandoned her, or that, on account of disability from injury or disease, he was unable to support her. If the husband is dead, the date of his death must be proved. If he abandoned the support of his family, the date of the abandonment, and all the facts of the case, showing whether he ever returned, or ever afterwards contributed to the support of the claimant, must be fully set forth. If he was disabled, the nature and cause of the disability, when, and to what extent, it rendered him unable to support the claimant, must be shown by the testimony of his physician. The extent of his disability during the period from the son's death to the present time should also be shown.

The value of the property of the claimant and her husband, the income derived therefrom, and the other means of support possessed by her, while she was receiving the contributions of the son on account of whose service and death pension is claimed, and from that time to the present, should be shown by the testimony of credible and disinterested witnesses, who must state how they know the facts. The value of property assessed for taxation may be shown by the testimony of the officer having custody of the records relative thereto, who should also state the ratio of the assessed to the actual or cash value of such property.

It must be shown to what extent, for what period, and in what manner, her said son contributed to her support, by the testimony of persons for whom the son labored, to whom he paid rent, of whom he purchased groceries, fuel, clothing, or other necessary articles for the mother's use, or of those who otherwise had a knowl-

edge of the contributions of the son, and who must state how they obtained such knowledge. Any letter from the son, bearing upon the question of support, should be filed. If the son, in any other manner than by actual contributions, acknowledged his obligation to support his mother, or was, by law, bound to such support, the facts should be shown.

Dependent fathers.—A father claiming a pension on account of the death of a legitimate son, upon whom he was dependent for support, must prove—

(1) The cause of his son's death;

That said son left no widow or minor child surviving;

The cause and extent of claimant's disability during the period in which the son contributed to his support, and from that time to the present;

The amount of his property, and all other means of support possessed by him during that period, and the extent of his dependence upon his son for support.

The facts of the case, in each respect, should be shown by such testimony, as is required in the claim of a mother.

(2) The date of the claimant's marriage to the mother of the soldier or sailor, the date of birth of the son, and the date of the death of said mother, must be proved.

In case the mother applied for pension, reference should be made to her application, and the number of the same, or of her certificate should be given. Evidence upon any point established in a mother's claim will not again be required.

Minor brothers and sisters.—In a claim on behalf of minor brother and sisters, there must be proved—

The cause and date of death of the brother on whose account the claim is made;

His celibacy;

The dates of death of the mother and father, or death of the father and remarriage of the mother;

The dates of birth of the claimant and other dependents upon the brother for support.

If the mother or father applied for pension, the number of his or her application, or of his or her certificate, should be given.

Evidence upon any point established in the claim of the mother or the father will not again be required.

In the administration of the pension laws no distinction is made between brothers and sisters of the half-blood and those of the whole blood.¹

¹ A minor having no guardian may make and prosecute the claim in person or by next friend; but if the claim is allowed, payment of pension will be made to a duly appointed guardian only. If, however, the claim is filed by one who alleges that he is the legal guardian, his authority must be shown by a duly certified copy of his letters of guardianship.

Act of June 27, 1890 (construed as amending sect. 4707, R. S., as to dependent parents).—The same evidence is required in claims under this act as under section 4707, Revised Statutes, in its original form, except as to contributions by the soldier or sailor, and as to date of dependence, which is removed from the date of the soldier's or sailor's death to the date of the filing of the application for pension under this law.

The rate of pension under section 4707, Revised Statutes, in its original form, and under section 1 of the act of June 27, 1890, is governed by the rank of the soldier or sailor on account of whose service and death pension may be claimed.

If the claim is prosecuted under section 4707, Revised Statutes, the attorney's fee may be \$25; if prosecuted under section 1 of the act of June 27, 1890, the fee is \$10.

CLAIMS FOR RENEWAL AND RESTORATION.

Application for renewal of pension (sec. 4719, R. S.) must be submitted to the Commissioner of Pensions by a declaration executed as in an original claim, setting forth fully the reasons for failure to draw pension, accompanied by evidence satisfactorily accounting for such failure.

The act of March 3, 1901, amending section 4708, Revised Statutes, and the act of February 28, 1903, amendatory of said act of 1901, provide for restoration of pension to certain remarried widows on renewed widowhood. The applicant under these acts must show that she was the wife of the officer, soldier, or sailor during the period of his service in any war; that her name was dropped from the roll by reason of her marriage to another person, who has since died, or from whom she has been divorced upon her application, and without fault on her part; and that she is without other means of support than her daily labor and a net income not exceeding \$250 per annum. The fact that the widow was originally barred from pension by the terms of the act of March 3, 1865, by reason of her remarriage, does not deprive her of title to restoration under the act of February 28, 1903.

PENSIONS TO ARMY NURSES.

Act of August 5, 1892.—By this act all women employed by the Surgeon General of the Army as nurses during the late War of the Rebellion, for a period of six months or more, and who were honorably relieved from such service, are entitled to a pension, provided they are unable to earn a support. Applications for pension under this act should be made in the form prescribed by the Commissioner of Pensions.

DIVISION OF PENSION.

Act of March 3, 1899.—Applications for division of pension under this act will be adjudicated in accordance with the following rules:

RULE 1. All claimants under the act of March 3, 1899, will be required to file with their declarations proof in support thereof sufficient to establish a prima facie case under the law.

RULE 2. Where the claim is filed by the wife, alleging that the pensioner has deserted her for a period of over six months subsequent to March 3, 1899, and prior to the filing of the declaration, the declaration must be accompanied by evidence showing that she is the wife of the pensioner; that the pensioner has deserted her for the period alleged in the declaration, and that she is a woman of good moral character and in necessitous circumstances.

RULE 3. Where the claim is filed by the wife, alleging that the pensioner is an inmate of a State Soldiers' or Sailors' Home, or a National Soldiers' Home, the declaration must be accompanied by evidence showing that the claimant is the wife of the pensioner and that she is a woman of good moral character and in necessitous circumstances.

RULE 4. Where the claim is filed by or on behalf of the minor child or children, under sixteen years of age, of a pensioner alleging that pensioner has deserted said child or children, the declaration must be accompanied by evidence showing the marriage of the parents; the date of birth of each child; death or divorce of the mother of the minor child or children, or that she has no title under the said act; that the pensioner has deserted such child or children for the period alleged; and, in the event of the death or divorce of the mother of the minor child or children, that the pensioner had not remarried prior to the statutory date of desertion, or that his present wife has no title under said act.

RULE 5. Where the claim is filed by or on behalf of the minor child or children, under sixteen years of age, of the pensioner alleging that the pensioner is an inmate of a State Soldiers' or Sailors' Home or a National Soldiers' Home, the declaration must be accompanied by evidence showing the marriage of the parents; date of the birth of each child; the death or divorce of the mother of the minor child or children; or that she has no title under the act of March 3, 1899; and, in the event of the death or divorce of the mother of said minor child or children, that the pensioner had not remarried prior to the statutory date of entrance into the Home, or that his present wife has no title under said act.

RULE 6. Where the claim is filed by or on behalf of a permanently helpless and dependent child of a pensioner, alleging

that pensioner has deserted such child, the declaration must be accompanied by evidence showing the marriage of the parents; the date of birth of the child; the death or divorce of the mother of the child, or that she has no title under the said act; that the pensioner has deserted such child for the period alleged; that the child is permanently helpless and dependent; and in the event of the death or divorce of the mother of such child, that the pensioner had not remarried prior to the statutory date of desertion, or that his present wife has no title under said act.

RULE 7. Where the claim is filed by or on behalf of a permanently helpless and dependent child of a pensioner, alleging that pensioner is an inmate of a State Soldiers' or Sailors' Home or a National Soldiers' Home, the declaration must be accompanied by evidence showing the marriage of the parents; the date of birth of the child; the death or divorce of the mother of such child; or that she has no title under the act of March 3, 1899; that such child is permanently helpless and dependent; and in the event of the death or divorce of the mother of said child that the pensioner had not remarried prior to the statutory date of entrance into the Home, or that his present wife has no title under said act.

RULE 8. A declaration, unaccompanied by evidence as indicated herein sufficient to establish a prima facie case, will not be considered as conferring any right upon the claimant, or as serving notice upon the Bureau sufficient to warrant the suspension or the withholding of any part of the pension due or owing to the pensioner. Upon the receipt of a declaration, unaccompanied by evidence as indicated herein, it should be promptly returned to the claimant with a notification that until the application is perfected in accordance therewith it can not be considered.

RULE 9. Upon the filing by the wife, minor child or children, or permanently helpless and dependent child of a pensioner, of a declaration accompanied by sufficient evidence to show a prima facie case under the act of March 3, 1899, the United States pension agent will at once be instructed to suspend payment of one-half of the unpaid pension due the pensioner for the period from the date of statutory desertion, or his entrance into a State or National Soldiers' Home, and to withhold from him one-half of the pension due and payable to him for the period from the date of the filing of the declaration, and during the pendency of the claim under the act cited.

The United States pension agent, upon the receipt of a notice from the Commissioner of Pensions to suspend payment of one-half the pension of the pensioner, will make a record entry thereof, and promptly acknowledge receipt of said notice of sus-

pension, and thereafter he will make no payment of the one-half suspended portion of the pension to any person until further directed by the Commissioner of Pensions.

In case the pensioner is an inmate of a National Soldiers' Home, the treasurer of said Home will, on the same date of the notice of suspension to the United States pension agent, be duly advised, through the Governor of said Home, of said notice of suspension. If, on the date of receipt of said notice by the treasurer of the Home, he shall be in possession of any unexpended pension money drawn in pensioner's behalf, or to which the pensioner became entitled during his residence in said Home subsequent to March 3, 1899, the treasurer shall withhold and retain in his possession one-half of said unexpended pension money, subject to the future order of the Commissioner of Pensions.

RULE 10. The filing of an application by a claimant under the act of March 3, 1899, like an appeal by claimant or pensioner shall serve the same purpose as a writ of supersedeas, or other similar writ, and shall stay further Bureau proceedings, so far as they involve further payment of the one-half of the pension in controversy, pending the adjudication of the claim by the Commissioner of Pensions.

RULE 11. In all cases filed under the act of March 3, 1899, and allowed, the claimant is entitled to one-half of so much of the unpaid pension as is due or owing to the pensioner at the date of the filing of the declaration, and covering the period from the date of the statutory desertion, subsequent to the passage of the act of March 3, 1899, or covering the period from the entrance of the pensioner into a State Soldiers' or Sailors' Home or a National Soldiers' Home subsequent to the passage of the act of March 3, 1899. In cases of desertion, where the desertion occurred prior to the passage of the act of March 3, 1899, the date of statutory desertion will be accepted as March 4, 1899. In cases where the desertion occurred subsequent to March 3, 1899 (the date of the passage of the act), the date of the actual desertion will be accepted as the date of the commencement of the statutory desertion. No right can accrue to a wife-claimant until the pensioner has been in actual desertion for a period of over six months prior to the execution of her declaration, and no right of application by a wife, under the act, can accrue on account of desertion, until six months have expired from the date of such desertion.

RULE 12. In cases filed under the act of March 3, 1899, where the pensioner is an inmate of a State Soldiers' or Sailors' Home or a National Soldiers' Home, the actual date of entrance into the Home subsequent to March 3, 1899, will govern. If at the date

of the passage of the act the pensioner was an inmate of a State Soldiers' or Sailors' Home or a National Soldiers' Home March 4, 1899, will be considered as the statutory date of the pensioner's entrance into the Soldiers' Home, and payment, if the claim is allowed, shall be one-half of so much of the pension as remained unpaid and due and owing to the pensioner at the date of the filing of the declaration.

RULE 13. Where an increase of pension is allowed a pensioner subsequent to the allowance of a claim under the act of March 3, 1899, the beneficiary shall be entitled to one-half of only so much of the pension as is due the pensioner, covering the period subsequent to the statutory desertion established in the claim, or subsequent to the date of the entrance of the pensioner into the Soldiers' Home subsequent to the passage of the act of March 3, 1899.

RULE 14. As promptness in the adjudication of claims filed under the act of March 3, 1899, is imperative, to avoid vexatious charges against one or the other, both the claimant and the pensioner will be required to answer calls made for evidence promptly.

RULE 15. Where a prima facie case under the act of March 3, 1899, has been filed the pensioner will receive the usual notice of the filing of the claim, and will be allowed thirty days, as herein provided, from the receipt of said notice, to answer the allegations made therein. Where the pensioner has made answer, and in rebuttal filed evidence, the claimant will be allowed thirty days from the receipt of a notice of such evidence to answer same and complete the claim in accordance with the terms of the act of March 3, 1899. Should the claimant fail to complete the claim, or fail to give a satisfactory reason for so doing, the case should be rejected, on the ground that claimant has failed to establish title within the meaning of the act of March 3, 1899.

RULE 16. Where the pensioner receives the usual thirty-day notice of the filing of the claim under the act of March 3, 1899, and fails to make answer within thirty days from the receipt thereof, he will be considered as waiving his right of answer, and the registry return receipt card, or other evidence, showing his receipt thereof, will be considered as proof of service upon him of notice of the filing of the claim and his waiver of answer thereto.

RULE 17. Upon the adjudication of a claim under the act of March 3, 1899, the Bureau will promptly notify both parties of the action taken, by registered letter, informing both that thirty days from the receipt of said notice will be allowed for the purpose of appealing from the decision of the Bureau, and there shall be inclosed, to both claimant and pensioner, a copy of Rules of

Practice in Appealed Claims. No payment will be made until the expiration of said thirty days, unless the right of appeal shall be sooner waived: *Provided, however,* That the unexplained failure of a pensioner to appear, answer, or in any way plead to the claimant's application, after due notice thereof, shall be deemed a waiver of his right of appeal to the extent that, if the claim is allowed, final orders for division of pension shall issue at once.

RULE 18. Upon the filing of an appeal, in accordance with the rules of the Department, payment will be still suspended, pending the decision of the Department upon the appeal, as required by Rule 13 of Rules of Practice in Appealed Claims.

RULE 19. If no appeal is filed within thirty days from the date as shown by the registry return receipt card, payment will be made in all cases allowed, and suspension of payment will be removed in all cases rejected, and the full amount of pension restored to the pensioner in the last-named cases.

RULE 20. Any and all payments of one-half the pension of any of the beneficiaries named in the first three provisos of the act of March 3, 1899, shall hereafter be made by and through the United States pension agents, and, in future, no payments shall be made to any of said beneficiaries by the treasurer of the National Soldiers' Home, except one-half of so much of the pensioner's pension as shall be in the hands of the treasurer of the Home, and unexpended, at the date of filing the claim under the act, in which case the treasurer shall withhold and distribute upon the order of the Commissioner of Pensions, as provided in Rule 9, *supra*.

RULE 21. Applications for reconsideration or reopening of the Bureau action in cases under the first, second, or third provisos of the act of March 3, 1899, should be in the form of a motion, or petition, stating briefly, but specifically, the grounds upon which the application is based, and which, if true, would warrant a modification or reversal of the Bureau action. The motion should be accompanied by evidence sufficient, if true, to establish the grounds for reconsideration, or reopening, relied upon by the applicant, and by due proof of service of copies of the motion, or petition, and the supporting evidence upon the opposite party or his or her attorney.

Proof of service must be such as will satisfy the Bureau that the opposite party has been informed of the motion, or petition, and the supporting evidence, and may consist of, first, a written acceptance of service by the opposite party or his or her attorney of record; or second, a postal registry return receipt card signed by the opposite party or attorney of record.

accompanied by an affidavit showing that on a certain date copies of the motion, or petition, and the supporting evidence were mailed in a registered letter, postpaid, to the opposite party or the attorney of record, addressed to a certain post office (naming it); and that the card was returned in acknowledgment of receipt of such letter; or third, an affidavit, showing that on a certain date and at a certain place copies of the motion, or petition, and of the supporting evidence were personally delivered to the opposite party or his or her attorney of record.

Applications for reconsideration, or reopening, not conforming to the foregoing requirements, or showing satisfactory reason why personal service can not be made, will not be considered by the Bureau, but will be promptly returned to the applicant, or his or her attorney of record, for compliance therewith.

Upon the acceptance by the Bureau of Pensions of an application for reconsideration, or reopening, the opposite party will be advised, and allowed 30 days within which to answer or demur thereto. Payment of one-half of the pension in question will be suspended, pending the consideration of the application, and such suspension will be continued for a period of 30 days from the date of receipt of notice of the bureau action upon the application, to permit the filing of an appeal, unless the right of appeal shall have been waived by the party in interest.

CLAIMS FOR SHARE OF PENSION PAID TO INMATES OF THE GOVERNMENT HOSPITAL FOR THE INSANE.

Act of February 2, 1909.—By the terms of this act, the pension accruing to an inmate of the Government Hospital for the Insane must be paid to the superintendent or disbursing agent of such hospital, and the money so paid shall be disbursed and used, under the regulations prescribed by the Secretary of the Interior, for the benefit of the pensioner, and in the case of a male pensioner, his wife, minor children, and dependent parents, or, if a female pensioner, her minor children, if any, in the order named. All questions affecting the right of a claimant to a share of the pension of an inmate of the hospital are determined upon evidence submitted to the Commissioner of Pensions, in accordance with the practice obtaining in such cases. The findings of the Commissioner of Pensions upon the evidence are submitted to the Secretary of the Interior for approval, and, upon the latter's direction, the disbursing officers of said hospital will make proper distribution of the pension money to the dependents enumerated in said act.

Applications to the Commissioner of Pensions for allotment of a share of the pension in cases under the act of February 2, 1909, should be made under oath, and the applicant should state the re-

relationship to the insane person, the certificate number of such person if known, the aggregate value of all property owned by the applicant, as well as the sources of income and means of support of said applicant. All allegations should be sustained by the testimony of persons competent to testify from personal knowledge of the facts, and the witnesses should state their ages, means of knowledge of the facts to which they testify, and their post office addresses giving the street and number, or rural free delivery route, if any. In case the application is made by the wife, she should furnish a certified copy of the public or church record of her marriage to the pensioner, or, if no such record exists, the affidavit of the person who performed the ceremony, or the testimony of competent witnesses who were present at the marriage, showing the date thereof. If either applicant or pensioner had been previously married, the death or divorce of the former consort should be proved, in case of death by a verified copy of the public or church record, or by the testimony of credible witnesses if no record of death exist; and, in case of divorce, by a certified copy of the decree of the court. If there was no prior marriage on the part of the applicant or the pensioner, this fact should be shown by the testimony of at least two credible witnesses who have known the applicant and the pensioner from the time they became of marriageable age.

In the cases of minor children or dependent parents, the relationship of the applicants to the pensioner must be satisfactorily shown.

The application and the evidence necessary to establish the claim should be filed at the same time.

CLAIMS FOR PAYMENT OF PENSION TO WIVES OF INSANE PENSIONERS, TO WIVES OF PENSIONERS UNDERGOING SENTENCE OF IMPRISONMENT.

Act of August 8, 1882.—Where an insane invalid pensioner has a guardian, and has a wife or children dependent upon him, the wife being a woman of good character, the Commissioner of Pensions is authorized, in his discretion, to cause the pension to be paid to the wife, upon her properly executed voucher, or, if there is no wife, to the guardian of the children, upon his properly executed voucher, and, in like manner, to make payment of the pension due invalid pensioners who are imprisoned for offenses against the law, to their wives, or the guardians of their children.

Under this statute evidence showing the pensioner's insanity or imprisonment, and, in the case of a wife, her good character, as well as the proof required in claims under the act of February 2, 1909, *supra*, must be furnished.

ACCRUED AND REIMBURSEMENT CLAIMS.

Act of March 2, 1895.—An accrued pension is payable, under the terms of this act, whether the certificate issues prior or subsequent to

the death of the person entitled to the pension, first, to his widow, second, if there is no widow, to his child or children under 16 years of age, third, in case of a widow, to her minor children who were under 16 years of age at the date of her death. No other person is entitled to receive the accrued pension, as a matter of right, nor is it considered a part of the assets of the estate of the deceased pensioner. It is not liable for the debts of the estate, in any case whatsoever, but inures to the sole and exclusive benefit of the widow or children. The proof necessary to establish a claim for accrued pension is identical with that required to establish the claim of a widow or minor child to original pension, in so far as the relationship of the claimant for the accrued pension and the pensioner is concerned. Full instructions will be given by the Commissioner of Pensions to an applicant for accrued pension as to the character of the evidence necessary to establish a claim.

A claim for reimbursement may be made by the person who bore the expenses of the last sickness and burial of any pensioner who died, leaving no widow, or child under 16 years of age, surviving, provided the pensioner did not leave sufficient assets to meet such expenses. An application for reimbursement should be accompanied by the following evidence:

(a) *Bills of all expenses of last sickness and burial.*—If paid by the claimant for reimbursement the bills must be properly receipted to said claimant. If unpaid, the parties to whom said bills are due should note on each bill, over their signatures, that they hold the claimant responsible for the payment. If the bill be for medical treatment it must show the dates of visits or treatment and the charge for each. A bill for nursing and care must show the dates between which the services were rendered, and the rate per day or week. The bill of the undertaker must be itemized, and show the date on which the services were rendered.

Each bill must show that the service was rendered for the pensioner on account of whom reimbursement is claimed.

All claims should be presented in the name of one person.

Bills which are forwarded become a part of the records of the Bureau of Pensions, and can not be returned. Claimants should therefore secure duplicates of such bills if needed by them.

(b) *The pension certificate which was issued in the name of the pensioner.*—If such certificate is not in possession of the claimant a statement showing its whereabouts or final disposition should be made.

WITNESSES AND TESTIMONY.

A declaration executed before an officer who is claimant's attorney is accepted by the Bureau of Pensions as good and valid, but under

the practice such magisterial act vacates any rights which may be conferred on him in the power of attorney therein embodied.

Evidence executed before an officer who is claimant's attorney or before any person who has a manifest interest therein will not be considered. It is held by the Secretary of the Interior, however, that evidence so executed, wherein the certificate of such officer contains a clause setting forth that "he is in nowise interested in the claim nor concerned in its prosecution" is good and valid, but the rights such officer may have had as attorney in the case are thereby abandoned. All certificates of executing officers should certify that they have no interest in the claim.

It is desirable that the facts required to be proved in the prosecution of a claim for pension should, if possible, be shown by the testimony of persons other than near relatives of the claimant.

Every fact required to be proved should be shown by the best evidence obtainable. Every witness should state whether he has any interest, direct or indirect, in the prosecution of the claim in which he may testify, and should give his post-office address, with street and number, or rural free-delivery route, if any.

Witnesses should not merely confirm the statements of other parties, but should give a detailed statement of the facts known to them in regard to the matter concerning which they testify, and should state how they obtained a knowledge of such facts. The officer taking the deposition or affidavit should certify in his own handwriting as to his knowledge of the credibility of the witnesses. If they sign by mark, the signature must be attested by two witnesses who can write, and the officer must certify that the contents of their depositions or affidavits were read to them before he administered the oath.

It is desirable that affidavits should be free from interlineation and erasures. When an alteration is made in an affidavit, or an addition is made thereto, it must appear by the certificate of the officer who administered the oath that such alteration or addition was made with the knowledge and sworn consent of the affiant.

In all affidavits from surgeons or physicians it is desirable that the portion detailing the nature of the disability, dates of treatment and date of death, symptoms and opinions as to connection between diseases or injury and disease, should be in the handwriting of the party by whom it is signed. The testimony of any person testifying as an expert should be prepared by some one professionally competent to do so.

The official certificates of judicial officers using a seal or of commissioned officers of the Army or Navy in actual service will be accepted without being sworn to, but all other witnesses must testify under oath. *Univ Calif - Digitized by Microsoft®*

COPIES OR ORIGINALS OF PAPERS.

All papers or exhibits filed as evidence in claims for pension become part of the record. Copies of same or originals can be returned only within the discretion of the Commissioner of Pensions upon application by the parties properly entitled thereto.

Certified copies of declarations and affidavits on file in claims for pension will be furnished only upon the call of the court or the department wherein the same are to be used as evidence, and if for use in a court upon the following conditions:

The Bureau of Pensions should be advised of the nature of the suit, the names of the parties thereto, and in what court the action is pending.

The party who desires to use the certified copies should state what he expects to prove by them and make oath in due form that this evidence is material to his cause; that the object of its use can not be attained by the substitution of any other evidence; that without it he may suffer irreparable injury, and that the United States Government is not involved as a party to the action nor interested in the result thereof.

With such affidavit he should file a request from the judge of the court in which the action is pending for the production of such certified copies.

The papers of which copies are desired should be clearly specified, and the name of the soldier upon whose service the claim was based, the designation of the organization in which he served, and, if possible, the number of the claim or the certificate should be stated, in order that the case may be identified and unnecessary delay avoided.

MISCELLANEOUS.

Applications for certificate of service in lieu of lost discharge should be filed with the Adjutant General, United States Army, War Department, in Army cases, and with the Chief of the Bureau of Navigation, Navy Department, in Navy cases.

Applications for back pay, extra pay, or bounty money for military service should be filed with the Auditor for the War Department; for bounty, extra pay, or prize money for naval service, with the Auditor for the Navy Department.

Applications for artificial limbs or mechanical appliances should be filed with the Surgeon General, United States Army, War Department.

The papers of exhibits filed as evidence in claims for pension become part of the record. A copy of same in original can be obtained within the discretion of the Commissioner of Pensions upon application by the party in interest.

When copies of documents and exhibits on file in claims for pension will be furnished out upon the call of the court or the claimant within the number to be used as evidence, and if for use in any other court, the following conditions apply:

The Bureau of Pensions should be advised of the nature of the claim, the names of the parties thereto, and in what court the action is pending.

The party who desires to use the certified copies should state what papers to produce there and make oath in due form that the copy is true and correct, and the object of its use can not be attained by the production of any other evidence; that without the use of such certified copies, and that the United States Government is not entitled as a party to the action not admitted to the record.

It is the duty of the party to request from the judge of the court in which the action is pending, in the production of such copies, that the copies be certified by the judge should be filed as evidence.

The name of the claimant upon whose record the claim was based, the date of the application in which he served, and if possible the number of the claim on the certificate should be stated in the certificate, and the certificate should be filed as evidence.

MISCELLANEOUS

It is the duty of the claimant to file in due season a copy of the certificate of service in lieu of lost discharge, and to file with the Adjutant General United States Army, War Department, as many copies as the Chief of the Bureau of Pensions may require in any case.

Applications for back pay, extra pay or bounty money for military service should be filed with the Adjutant for the War Department, and the same extra pay or bounty money for naval service with the Adjutant for the Navy Department.

Applications for additional pay or bounty money should be filed with the Surgeon General, United States Army, War Department.

ADDENDA.

(NOT INDEXED.)

That any person who served ninety days or more in the military or naval service of the United States during the late Civil War, who has been honorably discharged therefrom, and who has reached the age of sixty-two years or over, shall, upon making proof of such facts, according to such rules and regulations as the Secretary of the Interior may provide, be placed upon the pension roll and be entitled to receive a pension as follows: In case such person has reached the age of sixty-two years and served ninety days, thirteen dollars per month; six months, thirteen dollars and fifty cents per month; one year, fourteen dollars per month; one and a half years, fourteen dollars and fifty cents per month; two years, fifteen dollars per month; two and a half years, fifteen dollars and fifty cents per month; three years or over, sixteen dollars per month. In case such person has reached the age of sixty-six years and served ninety days, fifteen dollars per month; six months, fifteen dollars and fifty cents per month; one year, sixteen dollars per month; one and a half years, sixteen dollars and fifty cents per month; two years, seventeen dollars per month; two and a half years, eighteen dollars per month; three years or over, nineteen dollars per month. In case such person has reached the age of seventy years and served ninety days, eighteen dollars per month; six months, nineteen dollars per month; one year, twenty dollars per month; one and a half years, twenty-one dollars and fifty cents per month; two years, twenty-three dollars per month; two and a half years, twenty-four dollars per month; three years or over, twenty-five dollars per month. In case such person has reached the age of seventy-five years and served ninety days, twenty-one dollars per month; six months, twenty-two dollars and fifty cents per month; one year, twenty-four dollars per month; one and a half years, twenty-seven dollars per month; two years or over, thirty dollars per month. That any person who

Act May 11,
1912.
Pensions.
Allowed at age
of 62 for service
in Civil War.

Rating—

Allowed for disability. served in the military or naval service of the United States during the Civil War and received an honorable discharge, and who was wounded in battle or in line of duty and is now unfit for manual labor by reason thereof, or who from disease or other causes incurred in line of duty resulting in his disability is now unable to perform manual labor, shall be paid the maximum pension under this Act, to wit, thirty dollars per month, without regard to length of service or age.

For service in Mexican War. That any person who has served sixty days or more in the military or naval service of the United States in the War with Mexico and has been honorably discharged therefrom, shall, upon making like proof of such service be entitled to receive a pension of thirty dollars per month.

Date of commencement. All of the aforesaid pensions shall commence from the date of filing of the applications in the Bureau of Pensions after the passage and approval of this Act: *Provided*, That pensioners who are sixty-two years of age or over, and who are now receiving pensions under existing laws, or whose claims are pending in the Bureau of Pensions, may, by application to the Commissioner of Pensions, in such form as he may prescribe, receive the benefits of this Act; and nothing herein contained shall prevent any pensioner or person entitled to a pension from prosecuting his claim and receiving a pension under any other general or special Act: *Provided*, That no person shall receive a pension under any other law at the same time or for the same period that he is receiving a pension under the provisions of this Act: *Provided further*, That no person who is now receiving or shall hereafter receive a greater pension, under any other general or special law than he would be entitled to receive under the provision herein shall be pensionable under this Act.

Provisos. Present pensioners and applicants entitled. Double pensions prohibited.

Restriction.

Sec. 2, 1d. Rank in service not considered.

SEC. 2. That rank in the service shall not be considered in applications filed hereunder.

Sec. 3, 1d. Agents not entitled to compensation, except.

SEC. 3. That no pension attorney, claim agent, or other person shall be entitled to receive any compensation for services rendered in presenting any claim to the Bureau of Pensions, or securing any pension, under this Act, except in applications for original pension by persons who have not heretofore received a pension.

Sec. 4, 1d.

SEC. 4. That the benefits of this Act shall include any person who served during the late Civil War, or in the

War with Mexico, and who is now or may hereafter become entitled to pension under the Acts of June twenty-seventh, eighteen hundred and ninety, February fifteenth, eighteen hundred and ninety-five, and the joint resolutions of July first, nineteen hundred and two, and June twenty-eighth, nineteen hundred and six, or the Acts of January twenty-ninth, eighteen hundred and eighty-seven, March third, eighteen hundred and ninety-one, and February seventeenth, eighteen hundred and ninety-seven.

Provisions extended to certain classes of beneficiaries.

SEC. 5. That it shall be the duty of the Commissioner of Pensions, as each application for pension under this Act is adjudicated, to cause to be kept a record showing the name and length of service of each claimant, the monthly rate of payment granted to or received by him, and the county and State of his residence; and shall at the end of the fiscal year nineteen hundred and fourteen tabulate the record so obtained by States and counties, and shall furnish certified copies thereof upon demand and the payment of such fee therefor as is provided by law for certified copies of records in the executive departments.

Sec. 5, id. Commissioner to keep record and furnish copies.

Fee.

* * * For salary of one disbursing clerk for the payment of pensions, to be selected and appointed by the Secretary of the Interior, at the rate of four thousand dollars per annum, during the last five months of the fiscal year nineteen hundred and thirteen, one thousand six hundred and sixty-six dollars and sixty-seven cents; and from and after the thirty-first day of January, nineteen hundred and thirteen, there shall be one disbursing clerk in the Bureau of Pensions to be appointed as aforesaid and who shall receive a salary at the rate of four thousand dollars per annum; and section forty-seven hundred and seventy-eight of the Revised Statutes of the United States authorizing the appointment of agents for the payment of pensions, and section forty-seven hundred and eighty of the Revised Statutes of the United States, authorizing the establishment of agencies by the President of the United States are hereby repealed to take effect from and after the thirty-first day of January, nineteen hundred and thirteen, and the existing pension agencies are abolished from and after said date.

Act Aug. 17, 1912, part. Disbursing clerk for payment of pensions created.

Pension agents and agencies abolished after Jan. 31, 1913.

For clerk hire, and other services, at eighteen pension agencies during the first seven months of the fiscal year

For clerk hire and consolidating agencies.

nineteen hundred and thirteen and in the office of the disbursing clerk for the payment of pensions during the last five months of the fiscal year nineteen hundred and thirteen and including not exceeding ten thousand dollars for expenses of consolidating and removing records and equipment of pension agencies, three hundred and seventy five thousand dollars, or so much thereof as may be necessary: *Provided*, That estimates in detail shall be submitted for the fiscal year nineteen hundred and fourteen and annually thereafter for clerks and others employed in the office of the disbursing clerk for the payment of pensions and the amounts to be paid to each.

Proviso. Detailed estimate for 1914.

* * * * *

Sec. 2, id. Secretary to group pensioners.

SEC. 2. That the Secretary of the Interior is authorized in the payment of pensions to arrange the pensioners in three groups as he may think proper, and may from time to time change any pensioner or class of pensioners from one group to another as he may deem convenient for the transaction of the public business.

Dates of payments.

The pensioners in the first group shall be paid their quarterly pensions on January fourth, April fourth, July fourth, and October fourth of each year; the pensioner in the second group shall be paid their quarterly pension on February fourth, May fourth, August fourth, and November fourth of each year; the pensioners in the third group shall be paid their quarterly pensions on March fourth, June fourth, September fourth, and December fourth of each year.

Fractional payments authorized.

The Secretary of the Interior is authorized to cause payments of pension to be made for the fractional part of a quarter which may be made necessary by the transfer of a pensioner from one group to another.

Sec. 3, id. Pensions to be paid without separate vouchers, except.

SEC. 3. That not later than January first, nineteen hundred and thirteen, pensions shall be paid by check drawn, under the direction of the Secretary of the Interior, in such form as to protect the United States against loss, without separate vouchers or receipts, and payable by the proper assistant treasurer or designated depository, except in the case of any pensioner in which the law authorizes the pension to be paid to some person other than the pensioner, or in which the Secretary of the Interior may consider a voucher necessary for the protection of the Government. Such checks shall be transmitted by mail to the payee thereof at his last known address.

Checks to be transmitted by mail.

That postmasters, delivery clerks, letter carriers, and all other postal employees are prohibited from delivering any such mail to any person whomsoever, if the addressee has died or removed, or in the case of a widow believed by the postal employee intrusted with the delivery of such mail to have remarried; and the postmaster in every such case shall forthwith return such mail with a statement of the reasons for so doing, and if because of death or remarriage, the date thereof, if known. Checks returned as herein provided on account of the death or remarriage of the pensioner shall be canceled.

Delivery of checks prohibited in certain cases.

Checks to be returned and canceled.

SEC. 4. That whoever shall forge the indorsement of the person to whose order any pension check shall be drawn, or whoever with the knowledge that such indorsement is forged shall utter such check, or whoever, by falsely personating such person, shall receive from any person, firm, corporation, or officer or employee of the United States the whole or any portion of the amount represented by such check, shall upon conviction be punished by a fine of not more than one thousand dollars or be imprisoned not more than five years or both.

Sec. 4, id. Forging indorsement, uttering, etc.

Penalty.

SEC. 5. That in case of sickness or unavoidable absence of the disbursing clerk for the payment of pensions from his office, the Commissioner of Pensions may, with the approval of the Secretary of the Interior, authorize the chief clerk of his office or some other clerk employed therein to temporarily act as such disbursing clerk for payment of pensions.

Sec. 5, id. Commissioner to appoint disbursing clerk to act temporarily.

With the approval of the Commissioner of Pensions and the Secretary of the Interior, the disbursing clerk for the payment of pensions may designate and authorize the necessary number of clerks to sign the name of the disbursing clerk for the payment of pensions to official checks.

Clerks to sign checks.

The disbursing clerk shall give bond with good and sufficient surety for such amount and in such form as the Secretary of the Interior may approve, and such bond shall be held to cover and apply to the acts of the persons authorized to act in his place.

Disbursing clerk to give bond.

SEC. 6. That nothing in this Act shall be construed as amending or repealing that portion of the sundry civil appropriation Act for the fiscal year eighteen hundred and eighty-three (Statutes at Large, volume twenty-two, page three hundred and twenty-two) concerning the pay-

Sec. 6, id. Payment to inmates of National Home D. V. S. not affected.

ment of pensions due inmates of the National Home for Disabled Volunteer Soldiers.

Act Aug. 22, 1912.
Secretary of War and Secretary of Navy to issue certificates of discharge, etc., in true name.

That the Secretary of War and the Secretary of the Navy be, and they are hereby, authorized and required to issue certificates of discharge or orders of acceptance of resignation, upon application and proof of identity, in the true name of such persons as enlisted or served under assumed names, while minors or otherwise, in the Army or Navy during any war between the United States and any other nation or people and were honorably discharged therefrom. Applications for said certificates of discharge or amended orders of resignation may be made by or on behalf of persons entitled to them, but no such certificate or order shall be issued where a name was assumed to cover a crime or to avoid its consequence.

Exception.

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