

for any services performed or any benefit rendered to any person or persons in the line of his duty under this act, he shall, upon conviction, be fined one thousand dollars, or be imprisoned, not to exceed three years, at the discretion of a court of competent jurisdiction, and forever after be ineligible to hold any office of honor, trust, or profit in the United States.

Penalty on officer receiving any fee, &c., for official services.

SEC. 7. *And be it further enacted*, That said commissioner of immigration shall, at the commencement of each annual meeting of congress, submit a detailed report of the foreign immigration during the preceding year, and a detailed account of all expenditures under this act.

Report to congress, &c.

SEC. 8. *And be it further enacted*, That the sum of twenty-five thousand dollars, or so much thereof as may be necessary, in the judgment of the President, is hereby appropriated, out of any money in the treasury not otherwise appropriated, for the purpose of carrying the provisions of this act into effect.

Appropriation to carry act into effect.

APPROVED, July 4, 1864.

CHAP. CCXLVII. — *An Act supplementary to an Act entitled "An Act to grant Pensions," approved July fourteenth, eighteen hundred and sixty-two.*

July 4, 1864.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the biennial examinations of pensioners required by an act approved March three, eighteen hundred and fifty-nine, may be made by one surgeon only, provided he is a surgeon of the army or navy, or an examining surgeon duly appointed by the commissioner of pensions; nor shall the biennial certificate of two unappointed civil surgeons be accepted in any case, except upon satisfactory evidence that an examination by a commissioned or duly appointed surgeon is impracticable.

1862, ch. 166.
Vol. xii. p. 566.
Biennial examinations of pensioners, how may be made.
1859, ch. 88, § 2.
Vol. xi. p. 439.

SEC. 2. *And be it further enacted*, That all fees paid to examining surgeons for biennial examinations, or for examinations specially ordered, as provided by the eighth section of the act to grant pensions, approved July fourteenth, eighteen hundred and sixty-two, shall be refunded 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.

Fees paid surgeons for biennial examinations to be refunded.
1862, ch. 166, § 8.
Vol. xi. p. 563.

SEC. 3. *And be it further enacted*, That declarations of pension claimants shall be made before a court of record, or before some officer thereof having custody of its seal, said officer being hereby 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 a court is holden, persons duly qualified to administer oaths, before whom declarations may be made and testimony taken.

Declarations of pension claimants to be made before court of record.

Proviso.

SEC. 4. *And be it further enacted*, That section twelve of the act to grant pensions, approved July fourteen, eighteen hundred and sixty-two, is hereby repealed; and the commissioner of pensions is authorized and empowered to detail, from time to time, clerks in his office to investigate suspected attempts at fraud on the government through the pension-office, and to aid in prosecuting any persons so offending, with such additional compensation as is customary in cases of special service.

Section 12 of act of 1862, ch. 166, repealed.
Vol. xii. p. 569.
Clerks to investigate suspected attempts to defraud.

SEC. 5. *And be it further enacted*, That all persons now by law entitled to a less pension than hereafter specified, who shall have lost both feet in the military service of the United States and in the line of duty, shall be entitled to a pension of twenty dollars per month; and those who under the same conditions have lost both hands or both eyes shall be entitled to a pension of twenty-five dollars per month.

Pensions to those who have lost both feet; both hands or eyes.

SEC. 6. *And be it further enacted*, That no pension claim now on file,

Pension claims on file, and those hereafter filed, to be prosecuted within what time. unless prosecuted to a successful issue within three years from the passage of this act, and no claim hereafter filed, not thus prosecuted to a successful issue within five years from the date of such filing, shall be admitted without satisfactory record evidence from the War Department to establish the same; and in every case in which a claim for pension shall have been filed for more than three years after the discharge or decease of the party on whose account the claim is made, the pension, if allowed, shall commence from the date of filing the last paper in said case by the party prosecuting the same.

Pension to widow to terminate upon her remarriage, &c. Examining surgeons may be required to make special examinations of pensioners. **SEC. 7.** *And be it further enacted,* That on the remarriage of any widow receiving a pension, such pension shall terminate, and shall not be renewed should she again become a widow.

Examining board. **SEC. 8.** *And be it further enacted,* That examining surgeons, duly appointed by the commissioner of pensions, may be required by him, from time to time, as he shall deem for the interests of the government, to make special examinations of pensioners on the rolls of their respective districts, and such examinations shall have precedence over previous examinations, whether special or biennial. But when injustice is alleged to have been done by any 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 as aforesaid, and the decision of such board shall be final on the question so submitted thereto. The compensation of all such surgeons shall not exceed that which has been customarily allowed in such cases, 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.

Pay. **SEC. 9.** *And be it further enacted,* That those persons, not enlisted

Volunteers, not enlisted, disabled by wounds, to have benefits of pension laws. soldiers in the army, who volunteered for the time being to serve with any regularly organized military or naval force of the United States, or where persons otherwise volunteered and rendered service in any engagement with rebels or Indians since the fourth day of March, eighteen hundred and sixty-one, shall, if they have been disabled in consequence of wounds received in battle, in such temporary service, be entitled to the same benefits of the pension laws as those who have been regularly mustered into the United States service. And the widows, or other dependents, of any such persons as may have been killed in the temporary service aforesaid shall be entitled to pensions in the same manner as they would have been had such persons been regularly mustered: *Provided,* That no claim under this section shall be valid unless presented and prosecuted to a successful issue within three years from and after the passage of this act. All such claims shall be adjudicated under such special rules and regulations as the commissioner of pensions may prescribe, most effectually to guard against fraud.

Their widows and dependents. **SEC. 10.** *And be it further enacted,* That if any person entitled to an invalid pension under the provisions of the act granting pensions, approved July fourteen, eighteen hundred and sixty-two, has died, or shall hereafter die, while an application for such pension is pending, and having a widow or dependent relative entitled to receive a pension by reason of his service and death, as provided in said act, then the pension to such widow or other person shall commence from the date at which the decedent's invalid pension would have commenced had he survived, subject to the conditions of this act, and the act to which this is amendatory.

Claims to be presented within three years. Any person entitled to an invalid pension, and dying while application is pending, his widow, &c., to receive it. 1862, ch. 166. Vol. xii. p. 566. *Post,* p. 500. **SEC. 11.** *And be it further enacted,* That all enlisted soldiers in the army who shall have become disabled in the service, whether they shall have been regularly mustered in or not, shall be entitled to the same benefits of the pension laws as those who have been regularly mustered

Enlisted soldiers, disabled, to have benefit of pension laws, though not mustered in.

into the United States service; and the widows or other dependents entitled to pensions by law, as prescribed by the act of July fourteen, eighteen hundred and sixty-two, of any such soldier who may have been killed, or shall have died, or shall hereafter die, by reason of any wound received or disease contracted while in said service and in the line of duty, shall be entitled to the same pension as though such soldier had been regularly mustered into the service.

Their widows and dependents.

SEC. 12. *And be it further enacted,* That the fees of agents and attorneys for making out and causing to be executed the papers necessary to establish a claim for a pension, bounty, and other allowance before the pension-office, under this act, shall not exceed the following rates: For making out and causing to be duly executed a declaration by the applicant, with the necessary affidavits, and forwarding the same to the pension-office, with the requisite correspondence, ten dollars; which sum shall be received by such agent or attorney in full for all services in obtaining such pension, and shall not be demanded or received in whole or in part until such pension shall be obtained; and the sixth and seventh sections of an act entitled "An act to grant pensions," approved July fourteenth, eighteen hundred and sixty-two, are hereby repealed.

Fees of pension agents and attorneys not to exceed, &c.

Repeal of §§ 6, 7, act 1862, ch. 166.

Vol. xii. p. 568.

Penalty upon agent, &c., who shall receive greater fees, &c.

SEC. 13. *And be it further enacted,* That any agent or attorney who shall, directly or indirectly, demand or receive any greater compensation for his services under this act than is prescribed in the preceding section of this act, or who shall contract, or agree to prosecute, any claim for a pension, bounty, or other allowance, under this act, on the condition that he shall receive a per centum upon any portion of the amount of such claim, or who shall wrongfully withhold from a pensioner or other claimant the whole or any part of the pension or claim allowed and due to such pensioner or claimant, shall be deemed guilty of a high misdemeanor, and upon conviction thereof shall, for every such offence, be fined not exceeding three hundred dollars, or imprisoned at hard labor not exceeding two years, or both, according to the circumstances and aggravations of the offence.

SEC. 14. *And be it further enacted,* That the widows and children of colored soldiers who have been, or who may be hereafter, killed, or who have died, or may hereafter die, of wounds received in battle, or who have died, or may hereafter die, of disease contracted in the military service of the United States, and in the line of duty, shall be entitled to receive the pensions now provided by law, without other proof of marriage than that the parties had habitually recognized each other as man and wife, and lived together as such for a definite period next preceeding the soldier's enlistment, not less than two years, to be shown by the affidavits of credible witnesses: *Provided, however,* That such widow and children are free persons: *Provided, further,* That if such parties resided in any state in which their marriage may have been legally solemnized, the usual evidence shall be required.

Widows, &c., of colored soldiers may receive pensions upon what proof of marriage.

Marriage, when to be proved as usual.

SEC. 15. *And be it further enacted,* That all acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

Repeal of inconsistent laws.

APPROVED, July 4, 1864.

CHAP. CCXLVIII. — *An Act for the Relief of Seamen and Others borne on the Books of Vessels wrecked or lost in the Naval Service.* July 4, 1864.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the proper accounting officers of the treasury be, and they are hereby, authorized, under the direction of the Secretary of the Navy, in settling the accounts of seamen, and others, not officers, borne on the books of any vessel in the navy, which shall have been wrecked, or which shall have been unheard from so long that her wreck may be presumed, or which shall have been de-

Day when the loss of a missing vessel of the navy shall be deemed to have occurred how may be determined.