

water; Harlem river, near the East river, New York, for removal of rocks therefrom; of the piers and connecting bridges at Chester, Pennsylvania; the Pensacola river, from Oldtown to Medway and vicinity, Maine; the Galena river, from its mouth to upper bridge in city of Galena, Illinois; the harbor at Fall River, Massachusetts, for removal of rocks therefrom; at Wood's hole, in Buzzard's bay, Massachusetts, for removal of rocks therefrom; Old House channel to main channel of Pamlico sound, North Carolina; the harbor of Washington, North Carolina; at bayou Lafourche, Louisiana, from Lafourche crossing to the mouth; from mouth of Red river down Atchafalaya river to Brashear in Louisiana; at the entrance of Matagorda bay and the channel to Indianola, Texas; Pine river, Saint Clair county, Michigan; Monistique harbor, Lake Michigan; Sebawaing river, Michigan; Yamhill river, Oregon; the mouth of the Coquille river, Oregon; Red river, from Morehead to Pembina; at the mouth of Kewaunee river, Wisconsin; at Elk river, Maryland, below Elkton; at Raritan river, New Jersey, below New Brunswick, including the shoals called the Middle Ground; the Youghiougheny river, Pennsylvania; Aroostook river, Maine, for improvement of the channel; at San Antonio creek, San Francisco bay, California; Santa Cruz, California; Estero bay, near Santa Barbara, California. And not to exceed five thousand dollars of the above appropriation may be expended in an exploration of routes for the extension of the Chesapeake and Ohio canal to the Ohio river, by the north and south branches of the Potomac river.

Extension of Chesapeake and Ohio canal.

Connecting inland waters along the Gulf of Mexico, from, &c.

For connecting the inland waters along the margin of the Gulf of Mexico, from Donaldsonville, in Louisiana, to the Rio Grande river, in Texas, by cuts and canals, not to exceed twenty thousand dollars of the amount herein appropriated for surveys of rivers and harbors; at Great Pee Dee river, from Pine Bluff to Cheraw, South Carolina; at Ashley river, South Carolina; at Cleveland, Ohio, for the construction of a harbor of refuge; at Forked Deer river, below Dyersburg, Tennessee; at harbor at Wilson, on Lake Ontario, New York; at East Pascagoula harbor, Mississippi sound; at Portsmouth harbor, New Hampshire, for breakwater between Gerrish's island and Wood island; in Ipswich bay, Massachusetts, at Hodgkins' cove, to ascertain the practicability of a harbor of refuge by building a breakwater there.

Inquiry and report upon the practicability of bridging the channel between Lake Huron and Lake Erie;

amount of navigation in channel; extent of spans.

SEC. 3. That the Secretary of War is hereby authorized and required to detail from the engineer corps, one or more engineers whose duty it shall be to inquire into and report upon the practicability of bridging, consistently with the interests of navigation, the channel between Lake Huron and Lake Erie, at such points as may be needful for the passing of railroad trains across said channel, and also its effect upon the navigation of the same; and further, to inquire into the number and character of the vessels navigating said channel, and the number of trips made by each, and, if said bridging be practicable, to report what extent of span or spans and elevation above the water will be required in the construction of such bridge or bridges, so as not seriously to injure the navigation of said channel.

Appropriation for pier at Lewes, Delaware, extended. 1870, ch. 292, §12. Vol. xvi. p. 310.

SEC. 4. That the appropriation for building the pier at Lewes, Delaware, contained in the act approved July fifteenth, eighteen hundred and seventy, an act entitled "An act making appropriations for sundry civil expenses of the government for the year ending June thirtieth, eighteen hundred and seventy-one, and for other purposes," be, and the same is hereby, extended until June thirtieth, eighteen hundred and seventy-four.

APPROVED, March 3, 1873.

March 3, 1873.

CHAP. CCXXXIV. — *An Act to revise, consolidate, and amend the Laws relating to Pensions.*

Officers and

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That if the ability of 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; 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 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; 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; 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, or 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, has been since the fourth day of March, eighteen hundred and sixty-one, or shall hereafter be impaired by reason of such disability, he shall, upon making due proof of the fact, according to such forms and regulations as are or may be provided by and in pursuance of law, be placed upon 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, to commence as hereinafter provided, and to continue during the existence of the disability: *Provided*, That no claim of a State militiaman, or non-enlisted 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: *And provided further*, That 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 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.

enlisted men of the army, navy or marine corps, disabled by injuries received or disease contracted in the line of duty since March 4, 1861, and certain others, so disabled, shall, upon proof, &c., be placed on the list of invalid pensioners, and receive pensions at certain rates

Certain claims for pensions to be established before July 4, 1874.

Persons not entitled to pensions for injuries, &c., since July 27, 1868, unless, &c.

Rates of pension for total disability, of the several grades of officers, and of enlisted men, &c.

SEC. 2. That 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,

Rates of pension for total disability, &c.

Pension to be for rank held at the time of the injury, &c.

Rank, how determined.

Proviso.

Rates of pensions, for certain periods, of persons specially disabled by loss of both feet, or both hands, or sight of both eyes;

or one hand and one foot;

or one hand or one foot;

both hands and sight of both eyes;

both feet, or in one hand and one foot, or otherwise disabled.

chaplain in the army and provost marshal, professor of mathematics, master, assistant surgeon, assistant paymaster, 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, 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 enlisted men 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; and every commissioned officer of the army, navy, or marine corps shall receive such and only such pension as is herein provided 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 commissioned 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 so disabled for military duty; and that he did not wilfully neglect or refuse to be mustered.

SEC. 3. That 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 so 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.

Sec. 4. That 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 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 cannot use artificial limbs, shall be rated in the second class and receive twenty-four dollars per month; 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: *Provided*, 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: *Provided further*, That, 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, and that 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.

Rates of pensions after June 4, 1872, to persons permanently disabled, and so helpless as to require regular aid, &c., of another person;

of those so disabled but not requiring such aid, &c.;

of those who have lost one hand or foot, or, &c.;

of those so disabled that they cannot use artificial limbs;

of those who have lost hearing; for a disability not permanent;

no increase of pension to commence before date of surgeon's certificate; certificate to be subject to approval of commissioner.

Rate may be divided proportionally for degrees of disability not provided for.

Persons absent on sick-leave or furlough to be deemed in the field or hospital.

Period of service to be construed to extend how far.

Sec. 5. That the rate of eighteen dollars per month may be proportionately divided for any degree of disability established for which the second section of this act makes no provision.

Sec. 6. That officers absent on sick-leave, and enlisted men absent on sick-furlough, or on veteran furlough, while 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. 7. That the period of service of all persons entitled to the benefit 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 person belonged, or until their actual discharge for other cause than the expiration of the service of such organization.

Sec. 8. That if any person embraced within the provisions of the first section of this act has died since the fourth day of March, eighteen hundred and sixty-one, or shall hereafter die, by reason of any wound, injury, or disease which, under the conditions and limitations of said section, 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 entitled to

Widows and children of persons entitled to invalid pensions, under the first section of this act, to receive same pension as, &c., and for what period.

Act extended to certain officers, &c., of the Missouri State militia, but pensions not to commence prior to its passage.

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 that if the widow remarry, the child or children shall be entitled from the date of remarriage. That the provisions of this act are hereby extended to and made to embrace 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 co-operating 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 act: *Provided*, That the pensions on account of such militia shall not commence prior to the date of the passage of this act. That the provisions of this section shall be so interpreted as to apply to the widows, child, or children, of officers and privates of the Missouri State militia, and the provisional Missouri militia, if the husband or father was wounded, or contracted the disease of which he died while in the service of the government of the United States.

Pensions of widows to be increased after July 25, 1866, and at what rate;

of child or children.

Additional pension to widow for child, &c., to continue only while she is bound to maintain such child.

Proviso.

What children born out of wedlock to be deemed legitimate.

Widows of colored or Indian soldiers and sailors to receive pension upon what proof of marriage;

their children to be held lawful children.

Proviso.

No pension to be allowed to widows entitled

SEC. 9. That 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.

SEC. 10. That 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.

SEC. 11. That the widows of colored or 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: *Provided*, That this section shall not be applicable to any claims on account of persons who shall have enlisted after the passage of this act.

SEC. 12. That 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 the widow aforesaid 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, or on presentation of satisfactory evidence thereof to the commissioner of pensions, then no pension shall be allowed to such widow until such child or children shall have attained the age of sixteen years, any provisions of this act, or of any previous act, to the contrary notwithstanding; and the said child or children aforesaid 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: *Provided*, That 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.

to a pension by reason of children under age, who are proved to have abandoned such children, or to be immoral, &c.

Such children to be pensioned as though there were no widow. Proviso.

SEC. 13. That if any person embraced within the provisions of the first section of this act has died since the fourth day of March, eighteen hundred and sixty-one, or shall hereafter die, by reason of any wound, injury, casualty, or disease, which, under the conditions and limitations of said section, 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 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 are 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 act, 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 said mother, or was by law bound to such support, and that a father or a 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 hereinbefore provided shall not be paid for any period during which it shall not be necessary as a means of adequate subsistence.

Persons entitled to invalid pension dying without widow or children, but leaving dependent relatives, such relatives to receive the pension, and in what order of precedence.

Where children have different guardians;

upon death of mother, the father to have the pension; of both father and mother.

When mother assumed to be dependent upon her son;

when father or minor brother or sister.

Such pension not to be paid for certain periods.

SEC. 14. That 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; and that on the remarriage of any widow, dependent mother, or dependent sister, having a pension, such pension shall cease.

Remarriage not to bar right to pension to date of remarriage, but, &c.

Pensions granted on account of death from, &c., to commence from date of death, if application therefor is filed within, &c.;

otherwise, when to commence.

This not to apply to insane persons, &c.

Right of persons to pensions to be deemed to accrue when.

Rights of widows or dependent mothers.

Arrears of pension to be paid upon application to the commissioner.

No person entitled to pay for services in applying for arrears of pension.

Rates of pension under this act, extended to pensioners under acts prior to March 4, 1861, &c., and when to take effect.

Widows of revolutionary soldiers.

SEC. 15. That 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 said date, shall commence from the death or discharge of the person on whose account the claim has been or shall hereafter be granted, or from the termination of the right of party having prior title to such pension: *Provided*, That the application for such pension has been, or shall hereafter be, filed with the commissioner of pensions within five years after the right thereto shall have accrued; otherwise the pension shall commence from the date of filing the last evidence, necessary to establish the same: *Provided further*, That the limitation herein prescribed shall not apply to claims by or in behalf of insane persons or persons under sixteen years.

SEC. 16. That in construing the preceding section, the right of persons entitled to pensions shall be recognized as accruing at the date therein stated for the commencement of such pension, and that the right of a dependent father or dependent brother to pension shall not in any case be held to have accrued prior to the sixth day of June, eighteen hundred and sixty-six; and the right of all other classes of claimants, if applying on account of the death of a person who was regularly mustered into the service, or regularly employed in the navy, or upon the gunboats or war-vessels of the United States, shall not be held to have accrued prior to the fourteenth day of July, eighteen hundred and sixty-two; if applying on account of a chaplain of the army, their right shall not be held to have accrued prior to the ninth day of April, eighteen hundred and sixty-four; if applying on account of an enlisted soldier who was not mustered, or a non-enlisted man in temporary service, their right shall not be held to have accrued prior to the fourth day of July, eighteen hundred and sixty-four; if applying on account of an acting assistant or contract surgeon, their right shall not be held to have accrued prior to the third day of March, eighteen hundred and sixty-five; if applying on account of persons enlisted as teamsters, wagoners, artificers, hospital-stewards, or farriers, their right shall not be held to have accrued prior to the sixth day of June, eighteen hundred and sixty-six; and the right of all classes of claimants, applying on account of a provost-marshal, deputy provost-marshal, or enrolling officer, shall not be held to have accrued prior to the twenty-fifth day of July, eighteen hundred and sixty-six: *Provided*, That the right of a widow or dependent mother who married prior, and did not apply till subsequent to the twenty-seventh day of July, eighteen hundred and sixty-eight, shall not be held to have accrued prior to that date.

SEC. 17. That it shall be the duty of the commissioner of pensions, upon any application by letter or otherwise by or on behalf of any pensioner entitled to arrears of pension under the fifteenth section of this act, or, if any such pensioner shall have died, upon a similar application by or on behalf of any person entitled to receive the accrued pension due such pensioner at his or her death, to pay or cause to be paid to such pensioner, or other person, all such arrears of pension as the pensioner may be entitled to, or (if dead) would have been entitled to under the provisions of said section had he or she survived; and no claim-agent or other persons shall be entitled to receive any compensation for services in making application for arrears of pension.

SEC. 18. That the provisions of this act in respect to the rates of pension are hereby extended to pensioners whose right to pension accrued under general acts passed since the war of the Revolution and prior to the fourth 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 that 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.

SEC. 19. That 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: *Provided*, That no claim allowed prior to the sixth day of June, eighteen hundred and sixty-six, shall be affected by anything herein contained.

Pensions when to commence, if disability originated prior to March 4, 1861.

This not to affect certain claims.

SEC. 20. That nothing in this act 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 or her certificate, and receive, in lieu thereof, a certificate for any other pension to which he or she would have been entitled had not the surrendered certificate been issued: *Provided*, That all payments previously made for any period covered by the new certificate shall be deducted from the amount allowed by said certificate.

Not more than one pension to be allowed at the same time to the same person.

Certificate may be surrendered, &c.

Previous payments.

SEC. 21. 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 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 act of February fourteenth, eighteen hundred and seventy-one, 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 the fifteenth section of this act.

Declarations of pension claimants to be made where.

Persons may be designated in certain localities.

Ministers and consuls in foreign countries.

Claims of Indians: 1871, ch. 50. Vol. xvi, p. 411.

Declarations may be made, before whom, to exempt claims from limitation, &c.

SEC. 22. 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 to him or her, 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.

Printed instructions, &c., to be furnished free to claimants for pensions, bounties, &c.

Notice of the issuing of a certificate, &c., to be given.

SEC. 23. That 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.

No pension to be paid to any person, &c., engaged in the late rebellion.

SEC. 24. That no claim for pension not prosecuted to 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-

No claim for pension unless established within five years, &c., to be admitted, without, &c.

Where claim is thus barred, how the bar may be removed.

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 record 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.

Where a person entitled to a pension dies, leaving a widow or children, the accrued pension shall belong to such widow or children;

if there is no widow or child, no payment of pension to be made except for certain expenses.

Failure to claim pension for three years after, &c., to be presumptive evidence that pension has terminated.

Name to be stricken from list, but may be restored, and how.

Rate, &c., of pension by special act not to be varied by general laws.

Special act may be suspended upon evidence of fraud, until, &c.

Limitation extended in pending claims of Indians.

Proof heretofore taken before an Indian agent to be as valid as, &c.

Proof wanting to be taken before agent.

Dates.

Indians exempted from obligation to take certain oaths. 1871, ch. 50. Vol. xvi., p. 411.

SEC. 25. That if any pensioner, or any person entitled to a pension, who during the pendency of his application therefor has died since March fourth, eighteen hundred and sixty-one, or shall hereafter die, his widow, or if no widow, his child or children, under sixteen years of age at the time of his death, shall be entitled to receive the accrued pension to the date of death, such accrued pension shall not be considered as a part of the assets of the estate of deceased, nor liable to be applied to the payment of the debts of said estate in any case whatever, but shall inure to the sole and exclusive benefit of the widow or children; and if no widow or child survive, no payment whatsoever of the accrued pension shall be made or allowed, except so much as may be necessary to reimburse the person who bore the expenses of the last sickness and burial of the decedent, in cases where he did not leave sufficient assets to meet such expenses.

SEC. 26. That the failure of any pensioner to claim his or her 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. 27. That 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.

SEC. 28. That the term of limitation prescribed by sections sixteen and twenty-three of this act shall, in pending claims of Indians, be extended to two years from and after the passage of this act; that 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; that all proof wanting in said claims hereafter, as well as in those filed after the passage of this act, shall be taken before the agent of the tribe to which the claimants respectively belong; that in regard to dates, all applications of Indians now on file 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 that Indians shall be exempted from the obligation to take the oath to support the Constitution of the United States, required by the act of February fourteenth, eighteen hundred and seventy-one, providing for pensions to certain soldiers and sailors of the war of eighteen hundred and twelve, and to widows of deceased soldiers.

SEC. 29. That the President shall appoint in the Department of the Interior, by and with the advice and consent of the Senate, a competent person, who shall be called the deputy commissioner of pensions, with an annual salary of twenty-five hundred dollars, 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 the death, resignation, absence, or sickness of the commissioner, his duties shall devolve upon the deputy commissioner until a successor shall be appointed, or such absence or sickness shall cease.

Deputy commissioner of pensions, appointment, duties, salary.

SEC. 30. That the commissioner of pensions is hereby authorized and empowered to detail, from time to time, clerks in his office to investigate suspected attempts at fraud on the government of the United States, through and by virtue of the provisions of this or any other act of Congress providing for pensions, and to aid in prosecuting any person so offending, with such additional compensation as is customary in cases of special service; and that any person so detailed shall have the power to administer oaths and take affidavits in the course of any such investigation.

Commissioner may detail clerks to investigate suspected attempts at fraud in pensions, and to aid in prosecutions.

Oaths and affidavits.

SEC. 31. That no agent or attorney or other person instrumental in prosecuting any claim for pension or bounty-land 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; and 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, demand, or receive or retain any greater compensation for his services or instrumentality in prosecuting a claim for pension or bounty-land than is hereinbefore 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 high 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, at the discretion of the court. And if any guardian having the charge and custody of the pension of his ward shall embezzle the same in violation of his trust, or fraudulently convert the same to his own use, he 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.

Agents, &c., prosecuting claims for pensions or bounty-land, to receive only what compensation.

Penalty for directly or indirectly receiving, &c., greater compensation;

or wrongfully withholding pension or any part thereof, or any land-warrant;

upon guardian for embezzling, &c., pension of his ward.

SEC. 32. That 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 acting as attorney to receive and receipt for money for and in behalf of any person entitled to a pension shall, before receiving said money, take and subscribe an oath, to be filed with the pension-agent, and by him to be transmitted, with the vouchers now required by law, to the proper accounting-officer of the treasury, that he has no interest in said money by any pledge, mortgage, sale, assignment, or transfer, and that he does not know or believe that the same has been so disposed of to any person; and any person who shall falsely take the said oath shall be guilty of perjury, and, on conviction, shall be liable to the pains and penalties of perjury.

Pledge, sale, &c., of any interest in a pension to be void.

Attorneys to take oath, to be filed, that he has no interest in money, &c.

Penalty for falsely taking the oath;

SEC. 33. That any person who shall knowingly or willfully in any wise procure the making or presentation of any false or fraudulent affidavit concerning any claim for pension or payment thereof, or pertaining to any other matter within the jurisdiction of the commissioner of pensions, or shall knowingly or willfully present or cause to be presented at any pension-agency any power of attorney, or other paper required as a voucher in drawing a pension, which paper shall bear a date subsequent to that on which it was actually signed or executed, such person so offending shall be deemed guilty of a high misdemeanor, and shall, on conviction thereof, be punished by a fine not exceeding five hundred dollars, or by imprisonment

for willfully, &c., making, &c., a false, &c., affidavit respecting any claim for pension, &c.;

or so presenting any paper as a voucher with a date subsequent to its actual date.

Money due a pensioner, not liable to attachment, &c., but to belong wholly to him.

What certificates required in cases of application for payment of certain invalid pensions.

Certificates to state what.

Certificate of continuance not necessary where disability is permanent.

More frequent examination may be required.

Civil surgeons for the examination of pensioners.

Fee for examinations, &c., to be paid by pension-agent.

Boards of examining surgeons, number, fee, &c.

Examining surgeons, &c., may be required to make special examinations, which shall have precedence.

If injustice is alleged, such examinations may be reviewed.

Decision of appellate board final.

Pay of reviewing surgeons.

for a term not exceeding three years, or by both, at the discretion of the court before whom such conviction shall be had; and no sum of money due, or to become due, to any pensioner under the laws aforesaid, 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. 34. That in all cases of application for the payment of pensions to invalid pensioners to the fourth day of September of an odd year, the certificate of an examining surgeon duly appointed by the commissioner of pensions, or of a surgeon of the army or navy, stating the continuance of the disability for which the pension was originally granted, (describing it,) and the degree of such disability at the time of making the certificate, shall be required to accompany the vouchers, and a duplicate thereof shall be filed in the office of the commissioner of pensions; and if in a case of continued disability it shall be stated at a degree below that for which the pension was originally granted, or was last paid, the pensioner shall only be paid for the quarter then due at the rate stated in the certificate: *Provided*, That when a pension shall be granted for a disability consequent upon the loss of a limb, or other essential portion of the body, or for other cause which cannot in whole or in part be removed, or when a disability is certified by competent examining surgeons, to the satisfaction of the commissioner of pensions, to have become permanent in a degree equal to the whole rate of pension, the above certificate shall not be necessary to entitle the pensioner to payment: *And provided further*, That this section shall not be construed to prevent the commissioner of pensions from requiring a more frequent examination if, in his judgment, it is necessary.

SEC. 35. That the commissioner of pensions be, and he is hereby, 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 shall deem 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. 36. That the commissioner of pensions be authorized to organize, at his discretion, boards of examining surgeons, not to exceed three members, and that each member of a board thus organized who shall have been actually present and made, in connection with other members or member, an ordered or periodical examination, shall be entitled to the fee of one dollar, on the receipt of a proper certificate of said examination by the commissioner of pensions.

SEC. 37. That 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 shall deem for the interests 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 as aforesaid, 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.

SEC. 38. That the Secretary of the Interior be, and is hereby, 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: *Provided*, That such appointments shall not increase the clerical force of said bureau.

Medical referee to be appointed, to have charge and revision of reports of examining surgeons, &c.

Salary. Certain qualified surgeons may be appointed as clerks of fourth class, and act as examining surgeons.

SEC. 39. That all acts and parts of acts inconsistent or in conflict with the foregoing provisions of this act are hereby repealed.

Repealing clause.

APPROVED, March 3, 1873.

CHAP. CCXXXV. — *An Act to declare the true Intent and Meaning of the Act approved June eight, eighteen hundred and seventy-two, amendatory of the General Bankrupt Law.* March 3, 1873.
1872, ch. 339.
Ante, p. 334.

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That it was the true intent and meaning of an act approved June eighth, eighteen hundred and seventy-two, entitled "An act to amend an act entitled 'An act to establish a uniform system of bankruptcy throughout the United States,' approved March second, eighteen hundred and sixty-seven," that the exemptions allowed the bankrupt by the said amendatory act should, and it is hereby enacted that they shall, be the amount allowed by the constitution and laws of each State, respectively, as existing in the year eighteen hundred and seventy-one; and that such exemptions be valid against debts contracted before the adoption and passage of such State constitution and laws, as well as those contracted after the same, and against liens by judgment or decree of any State court, any decision of any such court rendered since the adoption and passage of such constitution and laws to the contrary notwithstanding.

Exemptions allowed to be the same as allowed in any State in 1871, and to be valid against, &c.

APPROVED, March 3, 1873.

CHAP. CCXXXVI. — *An Act to extend for four Years the Act establishing the Board of Commissioners of Claims, and the Acts relating thereto.* March 3, 1873.

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That the second, third, fourth, fifth and sixth sections of the act entitled "An act making appropriations for the support of the army for the year ending June thirtieth, eighteen hundred and seventy-two, and for other purposes," approved March third, eighteen hundred and seventy-one, and the act entitled "An act to authorize the commissioners of claims to appoint special commissioners to take testimony and for other purposes," approved May eleventh, eighteen hundred and seventy-two, be, and the same are hereby, extended and continued in force for four years from the tenth day of March, anno Domini eighteen hundred and seventy-three.

Act establishing the board of commissioners of claims extended for four years from March 10, 1873.
1871, ch. 116, §§ 2-6.
Vol xvi, pp. 524, 525.
1872, ch. 156.
Ante, p. 97.

SEC. 2. That the commissioners of claims shall not receive any petition for the allowance of any claim or claims unless such petition shall be presented to and filed with them on or before the third day of March, eighteen hundred and seventy-three; and all claims not so presented shall be deemed to be barred forever thereafter.

No petition to be received unless filed on or before March 3, 1873.

Claims not so presented to be barred.

APPROVED, March 3, 1873.