

Ratings. days' service was not shown exclusive of the leave of absence or furlough under the order herein referred to, the pension shall commence from the date when the original application was filed in the Bureau of Pensions, and as to claims under the Act of July 16, 1918, the pension shall be at the rate provided in that Act, with increase at the rate provided herein from the date of the approval of this Act: *Provided further*, 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 shall be so construed as to prevent any pensioner thereunder from prosecuting his claim under any other general or special Act: *And provided further*, That this Act shall not be so construed as to reduce any pension under any Act, public or private: *Provided, however*, That no person shall receive more than one pension for the same period.

Benefits to present pensioners, or pending claims.

No pension reduced.

Limitation.

Indian campaign survivors, etc.
Vol. 39, p. 1200, amended.

Determination of service.
By official records, etc.

Additional evidence, satisfactory to the Commissioner admitted.

Proviso.
Lack of certificate of discharge no bar.

Attorney's fee limited to original pension claims.

Punishment for violations.

SEC. 6. That the second section of the Act entitled "An Act to pension the survivors of certain Indian wars from January 1, 1859, to January, 1891, inclusive, and for other purposes," approved March 4, 1917, be so amended as to read as follows:

"SEC. 2. That the period of service performed by beneficiaries under this Act shall be determined: First, by reports from the records of the War Department, where there are such records; second, by reports from the records of the Treasury Department showing payment by the United States, where there is no record of regular enlistment or muster into the United States military service; and third, when there is no record of service or payment for same in the War Department or the Treasury Department, by satisfactory evidence from muster rolls on file in the several State or Territorial archives; fourth, where there is no muster roll or pay roll on file in the several State or Territorial archives showing service of the beneficiary or same has been destroyed by fire or otherwise lost, and no record of service has been made in the War Department or Treasury Department, the applicant may make proof of service by furnishing evidence satisfactory to the Commissioner of Pensions: *Provided*, That the want of a certificate of discharge shall not deprive any applicant of the benefits of this Act."

SEC. 7. That no claim agent or attorney or other person shall be recognized in the adjustment of claims under this Act except in claims for original pension, and in such cases no more than the sum of \$10 shall be allowed for services in preparing, presenting, or prosecuting any such claim, which sum shall be payable only on the order of the Commissioner of Pensions; and any person who shall violate any of the provisions of this section, or shall wrongfully withhold from the pensioner or claimant the whole or any part of a pension allowed or due to 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 \$500 or be imprisoned not exceeding one year, or both, in the discretion of the court.

Approved, September 1, 1922.

September 6, 1922.

[S. 813.]
[Public, No. 295.]

CHAP. 303.—An Act To authorize the Commissioners of the District of Columbia to close upper Water Street between Twenty-first and Twenty-second Streets northwest.

District of Columbia,
Upper Water Street
N.W., to be closed.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Commissioners of the District of Columbia are hereby authorized to close upper Water Street between Twenty-first and Twenty-second Streets northwest, lying between Potomac Park and square eighty-eight, provided that

the consent in writing of the owners of all private property in square eighty-eight is first had and obtained; and upon the closing of said street between the limits named the Commissioners of the District of Columbia are authorized to transfer the land contained in the bed of said street to the Chief of Engineers, United States Army, as a part of the park system of the District of Columbia.

Approved, September 6, 1922.

Transferred to park system.

CHAP. 304.—An Act To amend an Act entitled "An Act to provide, in the interest of public health, comforts, morals, and safety, for the discontinuance of the use as dwellings of buildings situated in the alleys of the District of Columbia," approved September 25, 1914.

September 5, 1922.
[S. 2597.]
Public, No. 296.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the operation of the second paragraph of section 1, relating to the use or occupation of alley buildings as dwellings, of the Act of Congress approved September 25, 1914, entitled "An Act to provide, in the interest of public health, comfort, morals, and safety, for the discontinuance of the use as dwellings of buildings situated in the alleys in the District of Columbia," be, and the same hereby is, postponed until June 1, 1923.

District of Columbia.
Use of alley buildings allowed until June 1, 1923.
Vol. 38, p. 717, amended.
Vol. 40, p. 560.

Approved, September 6, 1922.

CHAP. 305.—An Act To amend the Judicial Code, in reference to appeals and writs of error.

September 14, 1922.
[S. 3618.]
[Public, No. 297.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Judicial Code is hereby amended by adding thereto a new section to be known as section 238 (a).

Judicial Code.
New section.
Vol. 36, p. 1157, amended.

"If an appeal or writ of error has been or shall be taken to, or issued out of, any circuit court of appeals in a case wherein such appeal or writ of error should have been taken to or issued out of the Supreme Court; or if an appeal or writ of error has been or shall be taken to, or issued out of, the Supreme Court in a case wherein such appeal or writ of error should have been taken to, or issued out of, a circuit court of appeals, such appeal or writ of error shall not for such reason be dismissed, but shall be transferred to the proper court, which shall thereupon be possessed of the same and shall proceed to the determination thereof, with the same force and effect as if such appeal or writ of error had been duly taken to, or issued out of, the court to which it is so transferred."

Appeals or writs of error.
Cases of, erroneously brought in Supreme Court or circuit court of appeals to be transferred to proper court.

Approved, September 14, 1922.

CHAP. 306.—An Act For the appointment of an additional circuit judge for the Fourth Judicial Circuit, for the appointment of additional district judges for certain districts, providing for an annual conference of certain judges, and for other purposes.

September 14, 1922.
[H. R. 9103.]
[Public, No. 298.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President be, and he is hereby, authorized to appoint, by and with the advice and consent of the Senate, the following number of district judges for the United States district courts in the districts specified in addition to those now authorized by law:

Judicial Code Amendments.
Additional district judges to be appointed.

For the district of Massachusetts, two; for the eastern district of New York, one; for the southern district of New York, two; for the district of New Jersey, one; for the eastern district of Pennsylvania,

Districts designated.
Vol. 36, p. 1067, amended.