

# SPANISH-AMERICAN WAR PENSION ACT OF MAY 1, 1926

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## SUMMARY

OF

THE ACT GRANTING PENSIONS AND INCREASE OF PENSIONS  
TO CERTAIN SOLDIERS AND SAILORS OF THE WAR WITH  
SPAIN, THE PHILIPPINE INSURRECTION, OR THE CHINA  
RELIEF EXPEDITION, TO CERTAIN WIDOWS, MINOR  
CHILDREN, AND HELPLESS CHILDREN OF SUCH  
SOLDIERS AND SAILORS, AND FOR OTHER  
PURPOSES, APPROVED MAY 1, 1926



PRESENTED BY MR. KNUTSON  
MAY 11, 1926.—Ordered to be printed

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PRESENTED BY MR. KILPATRICK  
MAY 11, 1926—Ordered to be printed

WASHINGTON  
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1926

# NEW SPANISH-AMERICAN WAR PENSION ACT OF MAY 1, 1926

## TITLE

Ninety days' service and honorable discharge between April 21, 1898, and July 4, 1902, or less than 90 days, provided discharged for disability due to service and in the line of duty.

This law is a 66 $\frac{2}{3}$  per cent increase over the former Spanish war act of June 5, 1920, as to soldiers, sailors, nurses, or marines; as to widows, 50 per cent increase, and increases the additional allowance for children under 16 years of age from \$4 to \$6 per month.

## SOLDIERS, SAILORS, MARINES, AND NURSES DESCRIBED IN THE ACT

The new act grants pensions to those described under this heading from \$20 to \$50 per month according to disability not due to vicious habits, and \$72 per month for those who are helpless or blind, or so nearly helpless or blind as to need or require the regular aid and attendance of another person. The \$72 rate is not granted if the party is an inmate of a State or National Soldiers' Home, and to obtain this rate (\$72) application must be filed with the Commissioner of Pensions.

Those now pensioned under the former Spanish war act of June 5, 1920, will be automatically placed on the pension rolls as follows:

### ON ACCOUNT OF DISABILITY NOT NECESSARILY DUE TO SERVICE

\$12 per month to \$20 per month.	\$24 per month to \$40 per month.
\$15 per month to \$25 per month.	\$30 per month to \$50 per month.
\$18 per month to \$30 per month.	

### ON ACCOUNT OF AGE

62 years of age, \$12 to \$20 per month.	72 years of age, \$24 to \$40 per month.
68 years of age, \$18 to \$30 per month.	75 years of age, \$30 to \$50 per month.

### WIDOWS OF SUCH SOLDIERS

Increased from \$20 to \$30 per month, with \$6 per month additional instead of \$4 per month on account of children under 16 years of age.

### REMARRIED WIDOWS OF SUCH SOLDIERS

Increased from \$20 to \$30 per month, and same allowance for children as for widows. Title to be given widows or remarried widows provided marriage to soldier, sailor, or marine was prior to September 1, 1922.

If there be no widow entitled to pension, the children under 16 years of age are entitled at the same rate provided for widow (\$30 and \$6 additional for each child). Pension of helpless children to be continued during helplessness; that is, if they were helpless prior to the age of 16 years and under 16 years of age before the soldier died.

### AUTOMATIC INCREASE

The automatic increase will commence from June 4, 1926, and this additional pension should be in the July 4, 1926, pension check.

Hereafter the issuance of a check in payment for a pension for which a voucher was not required shall constitute payment in the event of the death of a pen-

sioner on or after the last day of the period covered by such check, and it shall not be canceled, but become an asset of the estate of the deceased pensioner.

Those believing that they have title to a higher rate of pension under this law, but are receiving pension under laws other than the Spanish War act of June 5, 1920, or said act as amended by the act of September 1, 1922, should file a claim under this act.

The following is a copy of the ruling of the Commissioner of Pensions, approved by the Secretary of the Interior May 5, 1926, relative to the law:

DEPARTMENT OF THE INTERIOR,  
BUREAU OF PENSIONS,  
*Washington, May 4, 1926.*

Under date of August 26, 1921, the Acting Secretary approved a letter of instructions as to ratings under the act of June 5, 1920, in which occurs the following:

"The minimum rate (\$12) should be allowed when a material disability is shown to exist from causes of a permanent character. With this fixed to accord to the minimum reduction in earning capacity recognized by Congress as entitling to benefits, the ratings proportioned to other degrees of inability should be based upon the consideration of reductions in earning capacity, approximating one-fourth, one-half, three-fourths, and total disability. By this method the scale of ratings under the act of June 5, 1920, would be \$12, \$15, \$18, \$24, and \$30 per month."

All claims for pension and increase of pension, under the act of June 5, 1920, favorably acted upon, have been rated in accordance with these approved instructions. The rate allowed reflects the degree of incapacity for the performance of manual labor resulting from disabilities of a permanent character not the result of vicious habits, as shown by the evidence on file, including the official report of medical examination made in compliance with an order of the Pension Bureau.

Section 1 of the act of Congress approved May 1, 1926, prescribes the same conditions as to disabilities and proportioned ratings as the act of June 5, 1920, a minimum rate of \$20 and a maximum rate of \$50 per month being substituted by this new law for the minimum rate of \$12 and the maximum rate of \$30 per month, prescribed by the act of June 5, 1920. Applying to this new law the approved instructions above referred to, the scale of ratings thereunder will be \$20, \$25, \$30, \$40, and \$50 per month.

As under the terms of section 4 of this new law those veterans now receiving the minimum rate of \$12 per month under the act of June 5, 1920, will receive \$20 per month from June 4, 1926, and those now receiving the maximum rate of \$30 per month under the act of June 5, 1920, will receive \$50 per month from June 4, 1926, applying the legislative intent thus expressed, those now in receipt of \$15 per month shall receive \$25 per month; those now receiving \$18 per month shall receive \$30 per month; and those now receiving \$24 per month shall receive \$40 per month from June 4, 1926.

As this new law operates to place automatically on the roll at \$20 per month those now receiving \$12 per month and at \$50 per month those now receiving \$30 per month, thus accepting the present official determination of the Pension Bureau as to degree of incapacity for manual labor in such cases, it is within the bounds of equity to direct that those veterans now receiving pension at approved schedule rates between \$12 and \$30 under the act of June 5, 1920, shall likewise be placed automatically on the roll at the approved schedule rates between \$20 and \$50.

WINFIELD SCOTT, *Commissioner.*

Approved May 5, 1926.

HUBERT WORK, *Secretary.*