CHAP. CCLXIV. — *An Act relating to Pensions.* July 27, 1868.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the laws granting pensions to the hereinafter-mentioned dependent relatives of deceased persons leaving neither widow or child entitled to pensions under existing laws, shall be so construed as to give precedence to such relatives in the following order, namely: First, mothers; secondly, fathers; thirdly, orphan brothers and sisters under sixteen years of age, who shall be pensioned jointly if there be more than one: *Provided*, That if, in any case, the said persons shall have left both father and mother who were dependent upon them, then on the death of the mother the father shall become entitled to a pension commencing from and after the death of the mother; and upon the death of the mother and father 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 and after the death of the party who, preceding them, would have been entitled to the same: *And provided further*, That no pension heretofore awarded shall be affected by anything herein contained.

Precedence of payments of pensions to dependent relatives of deceased persons.

Proviso.

Former pensions not affected hereby.

SEC. 2. *And be it further enacted*, That no person shall be entitled to a pension by reason of wounds received, or disease contracted, in the service of the United States, subsequently to the passage of this act, unless the person who was wounded or contracted 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 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 on his way, by direction of competent authority, to the United States, or to some other vessel or naval station.

Pensions to be granted for wounds received or diseases contracted only in line of duty, &c.

SEC. 3. *And be it further enacted*, That so much of the acts approved April sixth, eighteen hundred and thirty-eight, and August twenty-third, eighteen hundred and forty-two, as requires that pensions remaining unclaimed for fourteen months after the same have become due, shall be adjusted at the office of the third auditor, is hereby repealed; and the failure of any pensioner to claim his or her pension for a period of 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 disability, or otherwise, and the pensioner's name shall be stricken from the rolls, subject to the right of restoration to the same on a new application, with evidence satisfactorily accounting for the failure to claim such pension.

Repeal of parts of 1838, ch. 56. Vol. v. p. 225. 1842, ch. 189, § 3. Vol. v. p. 521.

The failure to claim pension for three years to raise the presumption that pension has legally terminated, &c.

SEC. 4. *And be it further enacted*, That if any officer, soldier, seaman, or enlisted man has died since the fourth day of March, eighteen hundred and sixty-one, or shall hereafter die, leaving a widow entitled to a pension, and a child or children under sixteen years of age by a former wife, each of said children shall be entitled to receive two dollars per month, to commence from the death of their father and continue until they severally attain the age of sixteen years, to be paid to the guardian of such child or children for their use and benefit: *Provided, however*, That in all cases where such widow is charged with the care, custody, and maintenance of such child or children, the said sum of two dollars per month for each of said children shall be paid to her for and during the time she is, or may have been, so charged with the care, custody, and maintenance of such child or children, subject to the same conditions, provisions, and limitations as if they were her own children by her said deceased husband.

Children by former wife of any soldier, &c. dying since March 4, 1861, and leaving widow entitled to a pension, to have pension of $2 a month;

to be paid to widow, when, &c.

SEC. 5. *And be it further enacted*, That in all cases where an increased pension has been or may hereafter be granted to any widow or guardian of the children under sixteen years of age of a deceased soldier or sailor under an act entitled "An act increasing the pensions of widows, and for

Widow or guardian not to be deprived of increased pen-

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sion under act of 1866, ch. 235, if child, &c. is inmate of any charitable institution. Vol. xiv. p. 230.

other purposes," approved July twenty-fifth, eighteen hundred and sixty-six, or any subsequent act, such widow, or the guardian of such children, shall not be deprived of such increase by reason of any child or children of such deceased soldier or sailor being the inmate of any home, orphan's asylum, or other public or private charitable institution organized for the care and education of soldiers' orphans under the laws of any of the States, or in any school or institution where such orphan may in whole or in part be maintained or educated at the expense of a State, or of the public.

Certain pensions when granted to commence from what time.

SEC. 6. *And be it further enacted*, That all pensions which have been granted in consequence of death occurring or disease contracted, or wounds received, since the fourth day of March, eighteen hundred and sixty-one, or may hereafter be granted, shall commence from the discharge or from the death of the person on whose account the pension has been or shall hereafter be granted: *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; except that applications by or in behalf of insane persons and children under sixteen years of age may be filed after the expiration of the said five years, if previously thereto they were without guardians or other proper legal representatives.

Applications therefor, when to be filed.

Public notice to be given of contents of section six.

SEC. 7. *And be it further enacted*, That immediately upon the passage of this act, or as soon thereafter as may be practicable, it shall be the duty of the commissioner of pensions to give public notice of the contents of the foregoing section, particularly at the offices of the several pension agencies; and upon any application by letter or otherwise for or on behalf of any person entitled to the benefit of its provisions, or upon any notification that such person is so entitled, to pay or cause to be paid to him all such arrears of pensions as he may be entitled to under the provisions of the said section; and no claim agent or other person shall be entitled to receive any compensation for services in making application for the arrears of pension under this and the preceding section.

Arrears of pensions to be paid.

Claim agents not entitled to fees for applying for arrears, &c.

Pensions not to be allowed to widows abandoning their children, or being unsuitable persons to have charge of them. 1866, ch. 106, § 11. Vol. xiv. p. 58.

SEC. 8. *And be it further enacted*, That section eleven of an act entitled "An act supplementary to the several acts relating to pensions," approved June six, eighteen hundred and sixty-six, be amended and re-enacted so as to read as follows: "That if any officer, soldier, or seaman shall have died of wounds received or of disease contracted in the line of duty in the military or naval service of the United States, leaving a widow and a child or children under the age of sixteen years, and it shall be duly certified under seal, by any court having probate jurisdiction, that satisfactory evidence has been produced before such court that the widow aforesaid has abandoned the care of such child or children, or 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 said child or children shall have severally become sixteen years of age, any previous enactment to the contrary notwithstanding; and the child or children aforesaid shall be pensioned in the same manner as if no widow had survived the said officer, soldier, or seaman, and such pension may be paid to the regularly authorized guardian of such child or children."

Children to receive the pensions.

When heirs of persons entitled to pensions may receive them. 1866, ch. 106, § 6. Vol. xiv. p. 57.

SEC. 9. *And be it further enacted*, That section six of an act entitled "An act supplementary to the several acts relating to pensions," approved June six, eighteen hundred and sixty-six, be, and the same is hereby, amended and re-enacted, so as to read as follows: That if any person entitled to a pension has died since March fourth, eighteen hundred and sixty-one, or shall hereafter die while an application for such pension is pending, leaving no widow and no child under sixteen years of age, his or her heirs or legal representatives shall be entitled to receive the accrued pension to which the applicant would have been entitled had the certificate been issued before his or her death.

The remarriage of a widow or dependent mother not to deprive her of pension for the period before her remarriage.

Proviso.
1865, ch. 84, § 4.
Vol. xiii. p. 499.

Sec. 10. *And be it further enacted*, That the remarriage of any widow or dependent mother, otherwise entitled to a pension prior to the application therefor, or to the issue of a pension certificate to her, shall not debar her right to a pension for the period elapsing from the death of her husband or son, on account of whose services and death she may claim a pension, to her remarriage: *Provided, however*, That nothing in this section shall be construed to repeal or modify the fourth section of an act entitled "An act supplementary to the several acts granting pensions," approved March third, eighteen hundred and sixty-five.

Pensions to volunteers, not enlisted, disabled by wounds.
1864, ch. 247, § 9.
Vol. xiii. p. 388.

Sec. 11. *And be it further enacted*, That the provisions of the ninth section of an act approved July fourth, eighteen hundred and sixty-four, entitled "An act supplementary to 'An act to grant pensions,'" are hereby continued in force for five years from the fourth day of July, eighteen hundred and sixty-seven.

Construction of 1866, ch. 106, § 1.
Vol. xiv. p. 56.

Sec. 12. *And be it further enacted*, That section one of an act entitled "An act supplementary to the several acts relating to pensions," approved June six, eighteen hundred and sixty-six, shall be so construed as to secure to every person entitled by law before the passage of said act to a less pension than twenty-five dollars per month, who while in the military or naval service and in the line of duty, or in consequence of wounds received or disease contracted therein, having only one eye, shall have lost the same, a pension of twenty-five dollars per month.

Persons having but one eye, and losing that, to have pension of $25 a month.

Construction of 1866, ch. 235, § 3.
Vol. xiv. p. 230.

Sec. 13. *And be it further enacted*, That the third section 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 shall be so construed as to place all pensioners whose right thereto accrued subsequently to the war of the Revolution, and prior to the fourth day of March, eighteen hundred and sixty-one, on the same footing, as to rate of pension, from and after the passage of said act, as those who have been pensioned under acts passed since said fourth day of March, eighteen hundred and sixty-one; and the widows of revolutionary soldiers and sailors now receiving a less sum shall hereafter be paid at the rate of eight dollars per month.

Pensions accruing after the war of the Revolution, and prior to March 4, 1861;

of widows of soldiers and sailors of the Revolution.

Certain officers in the military or naval service entitled to receive an artificial limb, when, &c.
See *post*, p. 315.

Sec. 14. *And be it further enacted*, That all officers in the military or naval service, of the rank of captain in the army or lieutenant in the navy, and of less rank, who have lost a leg or arm in such service and in the line of duty, or in consequence of wounds received or disease contracted therein, shall be entitled to receive an artificial limb on the same terms as privates in the army are now entitled to receive the same.

Pensions by special acts may be varied in amount by pension laws.

Sec. 15. *And be it further enacted*, That in all cases pensions heretofore or hereafter granted by special acts of Congress shall be subject to be varied in amount according to the provisions and limitations of the pension laws.

Repeal of inconsistent laws

Sec. 16. *And be it further enacted*, That all acts and parts of acts inconsistent with the foregoing provisions of this act be, and the same are hereby, repealed.

Approved, July 27, 1868.

July 27, 1868.

CHAP. CCLXV. — *An Act to pay for indexing the Tax Bill.*

Appropriation to pay for indexing tax bill.
1868, ch. 186.
Ante, p. 125.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Clerk of the House of Representatives be, and he is hereby, authorized to pay out of the contingent fund of the House of Representatives, to the Clerk of the Committee of Ways and Means, one hundred dollars for preparing, by order of the House, a full index of the "Act imposing taxes on distilled spirits and tobacco, and for other purposes," approved July twentieth, eighteen hundred and sixty-eight.

Approved, July 27, 1868.