

Provisos.

lar, shall not be entitled to payment or credit for any part of said voucher, account, or claim; and if any such credit shall be given or received, or payment made, the United States may recharge the same to the officer or person receiving the credit or payment, and recover the amount from either or from both, in the same manner as other debts due the United States are collected: *Provided*, That where an account contains more than one voucher the foregoing shall apply only to such vouchers as contain the misrepresentation: *And provided further*, That the officers and persons by and between whom the business is transacted shall, in all civil actions in settlement of accounts, be presumed to know the facts in relation to the matter set forth in the voucher, account, or claim: *And provided further*, That the foregoing shall be in addition to the penalties now prescribed by law, and in no way affect proceedings under existing law for like offenses. That where practicable this section shall be printed on the blank forms of vouchers provided for general use.

Indian agents to make annual report.

SEC. 9. That hereafter each Indian agent be required, in his annual report, to submit a census of the Indians at his agency or upon the reservation under his charge, the number of males above eighteen years of age, the number of females above fourteen years of age, the number of school children between the ages of six and sixteen years, the number of school-houses at his agency, the number of schools in operation and the attendance at each, and the names of teachers employed and salaries paid such teachers.

Proceeds of sale of Indian lands, etc., not applicable to expenses of public lands service.

SEC. 10. That no part of the expenses of the public lands service shall be deducted from the proceeds of Indian lands sold through the General Land Office, except as authorized by the treaty or agreement providing for the disposition of the lands.

Sale of Government property on Indian reservations; disposal of proceeds.

SEC. 11. That at any of the Indian reservations where there is now on hand Government property not required for the use and benefit of the Indians at said reservations the Secretary of the Interior is hereby authorized to move such property to other Indian reservations where it may be required, or to sell it and apply the proceeds of the same in the purchase of such articles as may be needed for the use of the Indians for whom said property was purchased; and he shall make report of his action hereunder to the next session of Congress thereafter.

Approved, July 4, 1884.

July 4, 1884.

CHAP. 181.—An act making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June thirtieth, eighteen hundred and eighty-five, and for other purposes.

Pensions.
Appropriations.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums be, and the same are hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the payment of pensions for the fiscal year ending June thirtieth, eighteen hundred and eighty-five, and for other purposes, namely:

Army and Navy pensions.

For Army and Navy pensions as follows: For invalids, widows, minor children, and dependent relatives, and survivors and widows of the war of eighteen hundred and twelve, twenty million dollars; and any balance of the appropriation for the above purposes for the current fiscal year that may remain unexpended on the thirtieth of June, eighteen hundred and eighty-four, estimated at sixty-six million dollars, is hereby reappropriated and made available for the service of the year ending June thirtieth, eighteen hundred and eighty-five: *Provided*, That the appropriations aforesaid for Navy pensions shall be paid from the income of the Navy pension fund, so far as the same may be sufficient for that

Unexpended balance of appropriation re-appropriated.

Proviso: income of Navy pension fund to apply to appropriation for Navy pensions.

purpose: *And provided further*, That the amount expended under each of the above items shall be accounted for separately.

For fees and expenses of examining surgeons, five hundred thousand dollars.

For pay and allowances of pension agents: For salary, fees for preparing vouchers, rent, fuel, lights, and postage on letters to the Executive Departments and to pensioners, three hundred thousand dollars: *Provided*, That from and after July first eighteen hundred and eighty-four agents for the payment of pensions shall receive only twelve dollars and fifty cents for each one hundred vouchers, or at that rate for a fraction of one hundred, prepared and paid by any agent in excess of four thousand vouchers per annum.

For contingent expenses of pension agencies, ten thousand dollars.

That the act entitled "An act relating to claim agents and attorneys in pension cases," approved June twentieth, eighteen hundred and seventy-eight, is hereby repealed: *Provided however*, That the rights of the parties shall not be abridged or affected as to contracts in pending cases, as provided for in said act; but such contracts shall be deemed to be and remain in full force and virtue, and shall be recognized as contemplated by said act.

SEC. 2. That sections forty-seven hundred and sixty-eight, forty-seven hundred and sixty-nine, and forty-seven hundred and eighty-six of the Revised Statutes are hereby made applicable also to all cases hereafter filed with the Commissioner of Pensions, and to all cases so filed since June twentieth, eighteen hundred and seventy-eight, and which have not been heretofore allowed, except as hereinafter provided.

SEC. 3. That section forty-seven hundred and eighty-five of the Revised Statutes is hereby re-enacted and amended so as to read as follows:

"SEC. 4785. No agent or attorney or other person 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; nor shall such agent, attorney or other person demand or receive such compensation, in whole or in part, until such pension or bounty-land claim shall be allowed: *Provided*, That in all claims allowed since June twentieth eighteen hundred and seventy-eight where it shall appear to the satisfaction of the Commissioner of Pensions that the fee of ten dollars, or any part thereof, has not been paid, he shall cause the same to be deducted from the pension, and the pension agent to pay the same to the recognized attorney.

SEC. 4. That section forty-seven hundred and eighty-six of the Revised Statutes is hereby amended so as to read as follows:

"SEC. 4786. The agent or attorney of record in the prosecution of the case may cause to be filed with the Commissioner of Pensions, duplicate articles of agreement, without additional cost to the claimant, setting forth the fee agreed upon by the parties, which agreement shall be executed in the presence of and certified by some officer competent to administer oaths. In all cases where application is made for pension or bounty land, and no agreement is filed with the Commissioner as herein provided, the fee shall be ten dollars and no more. And such articles of agreement as may hereafter be filed with the Commissioner of Pensions are not authorized, nor will they be recognized except in claims for original pensions, claims for increase of pension on account of a new disability, in claims for restoration where a pensioner's name has been or may hereafter be dropped from the pension rolls on testimony taken by a special examiner, showing that the disability or cause of death, on account of which the pension was allowed, did not originate in the line of duty, and in cases of dependent relatives whose names have been or may hereafter be, dropped from the rolls on like testimony, upon the ground of non-dependence, and in such other cases of difficulty and trouble as the Commissioner of Pensions may see fit to

Proviso.

Fees of examining surgeons.

Pension agents.

Proviso.

Pay of agents.

Contingent expenses at agencies.

Attorneys' fees in pension cases; act relating to, repealed.

20 Stat., 243.

Proviso.

R. S. 4768, 927, R. S. 4769, 927, R. S. 4786, 929 made applicable in certain cases.

R. S. 4785, 929, re-enacted and amended.

Fees of attorney for prosecuting claims.

Proviso.

Fees not paid in certain cases to be deducted from pension.

R. S. 4786, 929.

Agreement for amount of fee to be filed.

Fee in case of failure to file agreement.

Articles of agreement, etc., recognized in certain claims only.

Proviso.

Fee for bounty-land, etc.

No fee allowed for arrears of pension, etc.

recognize them: *Provided*, That no greater fee than ten dollars shall be demanded, received, or allowed in any claim for pension or bounty land granted by special act of Congress, nor in any claim for increase of pension on account of the increase of the disability for which the pension had been allowed: *And provided further*, That no fee shall be demanded, received, or allowed in any claim for arrears of pension or arrears of increase of pension allowed by any act of Congress passed subsequent to the date of the allowance of the original claims in which such arrears of pension, or of increase of pension, may be allowed.

The articles of agreement herein provided for shall be in substance as follows, to wit:

Form of articles of agreement.

ARTICLES OF AGREEMENT.

Whereas I, _____, late a _____ in company _____, of the _____ regiment of _____ volunteers, war of eighteen hundred and sixty-one (or, if the service be different, here state the same), having made application for pension under the laws of the United States:

Now, this agreement witnesseth, that for and in consideration of services done and to be done in the premises, I hereby agree to allow my attorney, _____ of _____, the fee of _____ dollars, which shall include all amounts to be paid for any service in furtherance of said claim; and said fee shall not be demanded by or payable to my said attorney (or attorneys), in whole or in part, except in case of the granting of my pension by the Commissioner of Pensions; and then the same shall be paid to him (or them) in accordance with the provisions of sections forty-seven hundred and sixty-eight and forty-seven hundred and sixty-nine of the Revised Statutes.

(Claimant's signature.)

(Two witnesses' signatures.)

STATE OF _____ }
County of _____ } ss.

Be it known that on this, the _____ day of _____, anno Domini eighteen hundred and eighty _____, personally appeared the above-named _____, who, after having had read over to _____, in the hearing and presence of the two attesting witnesses, the contents of the foregoing articles of agreement, voluntarily signed and acknowledged the same to be _____ free act and deed.

(Official signature.)

And now, to wit, this _____ day of _____, anno Domini eighteen hundred and eighty _____, I (or we) accept the provisions contained in the foregoing articles of agreement, and will, to the best of my (or our) ability, endeavor faithfully to represent the interest of the claimant in the premises.

Witness my (or our) hand, the day and year first above written.

(Signature of Attorney.)

STATE OF _____ }
County of _____ } ss.

Personally came _____, whom I know to be the person he represents himself to be, and who, having signed above acceptance of agreement, acknowledged the same to be _____ free act and deed.

(Official signature.)

Amount paid, etc., to be deducted from fee.

And if in the adjudication of any claim for pension in which such articles of agreement have been, or may hereafter be, filed, it shall appear that the claimant had, prior to the execution thereof, paid to the attorney any sum for his services in such claim, and the amount so paid is not stipulated therein, then every such claim shall be adjudicated in the same manner as though no articles of agreement had been filed, deducting from the fee of ten dollars allowed by law such sum as claimant shall show that he has paid to his said attorney.

Any agent or attorney or 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 herein provided, or for payment thereof at any other time or in any other manner than is herein 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 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, in the discretion of the court.

Penalty for violation of act relating to fees or compensation.

SEC. 5. That the Secretary of the Interior may prescribe rules and regulations governing the recognition of agents, attorneys, or other persons representing claimants before his department, and may require of such persons, agents, and attorneys, before being recognized as representatives of claimants, that they shall show that they are of good moral character and in good repute, possessed of the necessary qualifications to enable them to render such claimants valuable service, and otherwise competent to advise and assist such claimants in the presentation of their claims and such Secretary may, after notice and opportunity for a hearing, suspend or exclude from further practice before his department any such person, agent or attorney shown to be incompetent, disreputable, or who refuses to comply with the said rules and regulations, or who shall with intent to defraud in any manner deceive, mislead, or threaten any claimant, or prospective claimant, by word, circular, letter, or by advertisement.

Secretary of Interior to prescribe rules for government of agents, etc., in prosecution of claims.

SEC. 6. The Commissioner shall have power, subject to review by the Secretary, to reject or refuse to recognize any contract for fees, herein provided for, whenever it shall be made to appear that any undue advantage has been taken of the claimant in respect to such contract.

Commissioner of Pensions may reject contracts for fees, etc.

Approved, July 4, 1884.

CHAP. 182.—An act providing for two additional associate justices of supreme court of the Territory of Dakota, one additional associate justice of the supreme court of the Territory of Washington and for other purposes.

July 4, 1884.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That hereafter the supreme court of the Territory of Dakota shall consist of a chief justice and five associate justices, any five of whom shall constitute a quorum.

Supreme court of Territories of Dakota and Washington to consist of chief justice and five associate justices.

SEC. 2. That it shall be the duty of the President to appoint two additional associate justices of said supreme court, in manner now provided by law, who shall hold their offices for the term of four years, and until their successors are appointed and qualified.

Appointment of two additional associate justices.

SEC. 3. That the said Territory shall be divided into six judicial districts, and a district court shall be held in each district by one of the justices of the supreme court, at such time and place as may be prescribed by law. Each judge, after assignment, shall reside in the district to which he is assigned.

Term of office. Judicial districts.

Terms of court. Residence.

SEC. 4. That until changed by the legislative assembly of said Territory, the fifth district of said Territory shall consist of the following counties, namely: Brookins, Kingsbury, Beadle, Deuel, Hamlin, Grant, Codington, Clark, Day, Spink, Brown, Hand, Hyde, Hughes, Sully, Edmunds, Faulk, McPherson, Potter, Campbell, Roberts, and Walworth, and the Sisseton and Wahpeton Indian Reservation. And the second district and the fourth district shall consist of the remainder of the Territory which now constitutes said second district and fourth district, respectively as defined by the statutes of said Territory.

Counties constituting the fifth judicial district.

Second and fourth judicial districts.