

PENSIONS AND INCREASE OF PENSIONS TO CERTAIN SOLDIERS AND  
SAILORS OF THE CIVIL AND MEXICAN WARS, ETC.

DECEMBER 20, 1922.—Ordered to be printed.

Mr. FULLER, from the committee of conference, submitted the following

CONFERENCE REPORT.

[To accompany S. 3275.]

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 3275) entitled "An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil and Mexican Wars and to certain widows, former widows, minor children, and helpless children of said soldiers and sailors, and to widows of the War of 1812, and to certain Indian war veterans and widows," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment as follows:

Strike out all of the House amendment after the enacting clause, and substitute the following in lieu thereof:

*That any officer or enlisted man who served in the Army, Navy, or Marine Corps of the United States for ninety days or more during the Civil War, and was honorably discharged from such service, or regardless of length of service was discharged for a disability incurred in service and in line of duty, or whose name is now on the pension roll, including those thereon under any Act of Congress, public or private, and every person who served sixty days or more in the war with Mexico, or on the coasts or frontier thereof, or en route thereto during the war with that nation, and was honorably discharged therefrom, shall be paid a pension at the rate of \$72 a month; payment to be made in accordance with the pension roll, without further application by the person entitled thereto.*

*Sec. 2. That the widow of any officer or enlisted man who served in the Army, Navy, or Marine Corps of the United States for ninety days or more during the Civil War, and was honorably discharged from such service, or regardless of length of service was discharged for a disability incurred in service and in line of duty, or who died in the service of a disability incurred in service and in line of duty,*

or who has heretofore been or may hereafter be granted a pension under any law, public or private, for service in the Civil War, such widow having been married to such soldier, sailor, or marine prior to the 27th day of June, 1915, or who if legally married after said date shall have subsequent to such marriage lived and cohabited with the soldier, sailor, or marine for at least two years and continuing until his death, shall be paid a pension at the rate of \$50 a month, and an additional pension of \$6 a month for each child of the officer or enlisted man under the age of sixteen years, and in case of the death or remarriage of the widow leaving a child or children of such officer or enlisted man under the age of sixteen years, such pension shall be paid such child or children until the age of sixteen years: Provided, That in case a minor child is insane, idiotic, or otherwise mentally or physically helpless, the pension shall continue during the life of such child, or during the period of such disability: Provided further, 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: Provided further, That the rate of pension for the widow of any person who served in the Army, Navy, or Marine Corps of the United States in the War of 1812, or for sixty days or more in the war with Mexico, on the coasts or frontier thereof, or en route thereto during the war with that nation, and was honorably discharged therefrom, shall be \$50 a month: Provided further, That all provisions of this section shall apply to all pensions heretofore granted under any law, public or private.

Sec. 3. That the rate of pension for the former widow of any officer or enlisted man who served in the Army, Navy, or Marine Corps of the United States for ninety days or more during the Civil War and was honorably discharged from such service, or who, having so served for less than ninety days, was discharged for a disability incurred in the service and in line of duty, or who died in the service of a disability incurred in the service and in line of duty, such widow having married the officer or enlisted man prior to June 27, 1915, or if legally married after such date shall have subsequent to such marriage lived and cohabited with such soldier, sailor, or marine for a period of at least two years and continuing until his death, and having remarried, either once or more than once after the death of the soldier, sailor, or marine, if it be shown that such subsequent or successive marriage or marriages has or have been dissolved, either by the death of the husband or husbands, or by divorce for any cause other than adultery on the part of the wife, shall be entitled to and be paid a pension at the rate of \$50 a month: Provided, That where a pension has been granted to an insane, idiotic, or otherwise helpless child, or to a child or children under the age of sixteen years, a widow or former widow shall not be entitled to pension under this Act until the pension to such child or children terminates unless such child or children be a member or members of her family and cared for by her; and upon

*the granting of pension to such widow or former widow, payment of pension to such child or children shall cease; and this proviso shall apply to all claims arising under this or any other law.*

*Sec. 4. That the benefits of this Act shall be extended to and shall comprehend and include each and severally the classes of persons enumerated in the first, second, third, fourth, and fifth paragraphs of section 4698, Revised Statutes of the United States, who served during the Civil War, and also any person who is now or may hereafter become entitled to pension under the Acts of June 27, 1890, February 15, 1895, and the joint resolutions of July 1, 1902, and June 28, 1906, or the Acts of January 29, 1887, March 3, 1891, and February 17, 1897, on account of service during the Civil War and the war with Mexico, and the widows and minor children of such persons: Provided, That service under this section shall be proven in the manner and form specified in section 2, Act of March 4, 1917, and the Act of September 1, 1922: Provided further, That from and after the passage of this Act the rate of pension to the soldiers of the various Indian wars and campaigns who are now on the pension roll, or who may hereafter be placed thereon under the Acts of July 27, 1892, June 27, 1902, May 30, 1908, or under the Act of March 4, 1917, shall be \$30 per month, and that the rate of pension to the widows of soldiers of the various Indian wars and campaigns who are now on the pension roll or who may hereafter be placed thereon under said Acts shall be \$20 per month.*

*Sec. 5. That all Army nurses of the Civil War who have been, or who may hereafter be, allowed a pension under existing laws shall be entitled to and shall be paid a pension at the rate of \$50 a month.*

*Sec. 6. That all persons now on the pension roll, and all persons hereafter granted a pension, who, while in the military or naval service of the United States, and in the line of duty, shall have lost one hand or one foot, or have been totally disabled in the same, shall receive a pension at the rate of \$80 a month; and where there has been an excision or resection of any part of the bones of the forearm or any part of the bones of the leg below the tuberosity of the tibia, the rate of pension shall be \$75 a month; that all persons who in like manner shall have lost an arm at or at any point above the elbow or a leg at or at any point above the knee, or have been totally disabled in the same, shall receive a pension at the rate of \$85 a month; and where there has been an excision or resection of any part of the humerus or femur, or of the shoulder or hip joint, or where there is an ankylosis of either the elbow or knee or shoulder or hip joint, the rate of pension shall be \$80 a month; that all persons who in like manner shall have lost one hand and one foot, or shall have lost one hand or one foot and in addition thereto shall have lost a portion of the other hand or foot, or shall have been totally disabled in the same, shall receive a pension at the rate of \$100 a month; and where there has been an excision or resection of any part of the bones or joints of both of said arms or legs, the rate of pension shall be \$90 a month; and that all persons who in like manner shall have lost both arms or both legs or have been totally disabled in the same, shall receive a pension at the rate of \$125 a month; and where there has been an excision or resection of any part of the bones or of the joints of both of said arms or legs, the rate of pension shall be \$100 a month; and it is hereby directed that the Secretary of the Interior shall cause to be reviewed, upon request of the pensioner, all cases wherein there is an excision or resection of any part of the bones of an arm or leg, shoulder or hip, or any of the joints, or*

an ankylosis of any of said joints, and shall place the name of the pensioner on the roll at the rates herein provided.

Sec. 7. That in the adjudication of claims for widows' pensions marriage of the parties and the legality thereof may be established by any competent testimony, and in the absence of direct proof of a ceremonial marriage, satisfactory evidence that the parties lived together as husband and wife and were so recognized by their neighbors and acquaintances until the death of the husband may be held to constitute sufficient proof of marriage; and cohabitation continuously for seven years or more may be accepted in lieu of proof that no impediment existed to the marriage of the parties. A widow, otherwise entitled to pension under this Act, may not be barred from being granted such pension for the reason that she failed to live and cohabit with the "soldier, sailor, officer, marine, marine officer, or other person continuously from the date of the marriage to the date of his death," unless it be shown that she willfully deserted such "soldier, sailor, officer, marine, marine officer, or other person" without good cause; and all provisions of law requiring such continuous cohabitation in any case are hereby repealed, except as provided in section 2 of this Act.

Sec. 8. That the pension or increase of pension herein provided for, as to all persons whose names are now on the pension roll, or who are now in receipt of a pension under existing law, shall commence at the rates herein provided on the fourth day of the next month after the approval of this Act; and as to persons whose names are not now on the pension roll, or who are not now in receipt of a pension under existing law, but who may be entitled to a pension under the provisions of this Act, such pensions shall commence from the date of filing application therefor in the Bureau of Pensions in such form as may be prescribed by the Secretary of the Interior; and the issue of a check in payment of a pension for which the execution and submission of a voucher was not required shall constitute payment in the event of the death of the pensioner on or after the last day of the period covered by such check; and it shall not be canceled, but shall become an asset of the estate of the deceased pensioner.

Sec. 9. That nothing in this Act contained shall be held to affect or diminish the additional pension to those on the roll designated as "The Army and Navy Medal of Honor Roll," as provided in the Act of April 27, 1916, but any increase herein provided for shall be in addition thereto; and no pension heretofore granted under any Act, public or private, shall be reduced by anything contained in this Act.

Sec. 10. That no claim agent, attorney, or other person shall contract for, demand, receive, or retain a fee for services in preparing, presenting, or prosecuting claims for the increase of pension provided for in this Act; and no more than the sum of \$10 shall be allowed for such services in other claims thereunder, which sum shall be payable only on the order of the Commissioner of Pensions; and any person who shall directly or indirectly otherwise contract for, demand, receive, or retain a fee for services in preparing, presenting, or prosecuting any claim under this Act, or shall wrongfully withhold from the pensioner or claimant the whole or any part of the 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.

*Sec. 11. That all Acts and parts of Acts in conflict with or inconsistent with the provisions of this Act are hereby repealed."*

Amend the title so as to read:

"An Act granting pensions and increase of pensions to certain soldiers, sailors, and marines of the Civil and Mexican Wars and to certain widows, Army nurses, former widows, minor children, and helpless children of said soldiers, sailors, and marines, and to widows of the War of 1812, and to certain Indian war veterans and widows, and to certain maimed soldiers, sailors, and marines."

And that the House agree to the same.

CHAS. E. FULLER,  
JOHN W. LANGLEY,  
WM. W. RUCKER,

*Managers on part of the House.*

H. O. BURSUM,  
P. J. McCUMBER,  
T. J. WALSH,

*Managers on part of the Senate.*

## STATEMENT OF THE MANAGERS ON THE PART OF THE HOUSE.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 3275) granting pensions and increase of pensions to certain soldiers and sailors of the Civil and Mexican Wars and to certain widows, former widows, minor children, and helpless children of said soldiers and sailors, and to the widows of the War of 1812, and to certain Indian war veterans and widows, submit the following statement in explanation of the action agreed upon by the conference committee:

On account of numerous verbal changes in the phraseology of the House substitute the conferees have rewritten the entire bill and recommend the adoption of the same as so rewritten. Most of the changes agreed upon are mere changes of phraseology and do not materially change the bill as passed by the House. The rates of pension provided by the original House substitute bill are not changed in any respect, except some slight changes in the rates granted to certain maimed soldiers. The principal change agreed upon is the proviso in section 4, reinserting in the bill the original section 7 of the Senate bill granting an increase of pension to the veterans of the various Indian wars from \$20 per month to \$30 per month and to the widows of such veterans from \$12 per month to \$20 per month. The verbal changes made in the other sections of the bill relate merely to administrative matters, and have been inserted in the bill on the recommendation of the officials of the Pension Bureau.

CHAS. E. FULLER,  
JOHN W. LANGLEY,  
WM. W. RUCKER,

*Managers on the part of the House.*

