

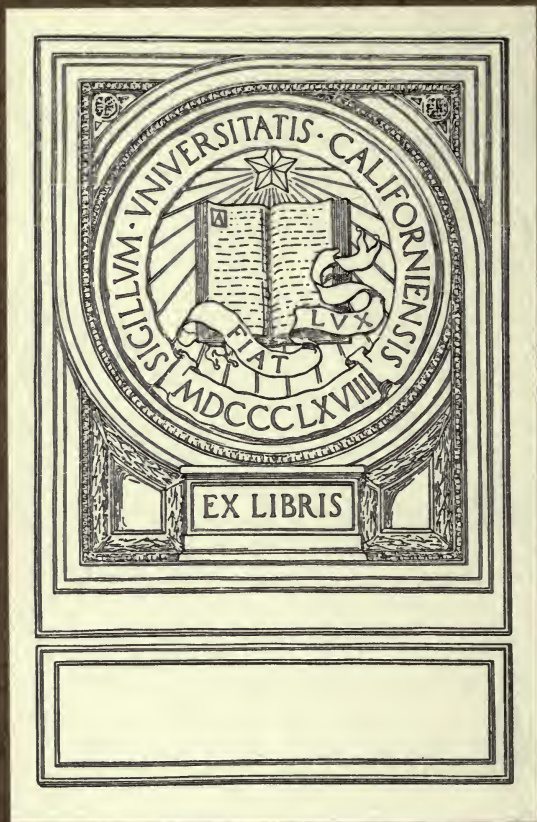
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LAWS OF THE UNITED STATES

GOVERNING THE GRANTING OF

BOUNTY-LAND WARRANTS

TOGETHER WITH THE

REGULATIONS RELATING THERETO

COMPILED UNDER THE DIRECTION OF THE COMMISSIONER OF
PENSIONS, AND PUBLISHED IN ACCORDANCE WITH THE
PROVISIONS OF SECTION 4748, REVISED STATUTES



JAMES L. DAVENPORT
COMMISSIONER OF PENSIONS



WASHINGTON
GOVERNMENT PRINTING OFFICE

1911



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LAW OF THE UNITED STATES

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1911

BOUNTY-LAND WARRANTS

REGULATIONS RELATING THERETO

ENACTED BY THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES OF AMERICA IN SENATE AND HOUSE REPORT NO. 1000



JAMES I. EASTMAN
Secretary of the Interior



gjr

DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

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LAWS, REGULATIONS, AND INSTRUCTIONS RELATING TO BOUNTY LANDS.

GENERAL PROVISIONS.

REVISED STATUTES.

SEC. 441. The Secretary of the Interior is charged with the supervision of public business relating to the following subjects:

Secretary of the Interior; duties of.

* * * * *

Fourth. Pensions and bounty lands.

* * * * *

Pensions and bounty lands.

SEC. 471. The Commissioner of Pensions shall perform, under the direction of the Secretary of the Interior, such duties in the execution of the various pension and bounty-land laws as may be prescribed by the President.

Duties of Commissioner of Pensions.

SEC. 473. The Commissioner of Pensions is authorized, with the approval of the Secretary of the Interior, to appoint a person to sign the name of the Commissioner to certificates or warrants for bounty-lands; and certificates or warrants so signed shall be as valid as if signed by the Commissioner.

Clerk to sign Commissioner's name to certificates and bounty-land warrants.
Act 20 Feb., 1856
(11 S. L., 1).

SEC. 4748. That the Commissioner of Pensions, on application being made to him in person, or by letter, by any claimant or applicant for pension, bounty-land, or other allowance required by law to be adjusted or paid by the Pension-Office, shall furnish such person, free of all expense, all such printed instructions and forms as may be necessary in establishing and obtaining said claim; and on the issuing of a certificate of pension or of a bounty-land warrant, he shall forthwith notify the claimant or applicant, and also the agent or attorney in the case, if there be one, that such certificate has been issued, or allowance made, and the date and amount thereof.

Commissioner to furnish printed instructions free of charge.
Sec. 22, act 3 Mar., 1873 (17 S. L., 573); sec. 9, act 14 July, 1862 (12 S. L., 569).

Military bounty-land warrants and locations as signable.

22 Mar., 1852, sec. 1 (10 S. L., 3).

3 June, 1853, sec. 2 (11 S. L., 309).

See ordinance 20 May, 1785.

See act 15 Apr. 1806, sec. 1, and numerous subsequent continuing acts (2 S. L., 378).

SEC. 2414. All warrants for military bounty-lands which have been or may hereafter be issued under any law of the United States, and all valid locations of the same which have been or may hereafter be made, are declared to be assignable by deed or instrument of writing, made and executed according to such form and pursuant to such regulations as may be prescribed by the Commissioner of the General Land-Office, so as to vest the assignee with all the rights of the original owner of the warrant or location.

Warrants located at \$1.25; excess paid in cash.

22 Mar., 1852, sec. 1 (10 S. L., 3).

See ordinance 20 May, 1785.

See act 15 Apr. 1806, secs. 1 and 2, and numerous subsequent continuing acts.

See act 6 May, 1812, sec. 3 (2 S. L., 729).

SEC. 2415. The warrants which have been or may hereafter be issued in pursuance of law may be located according to the legal subdivisions of the public lands in one body upon any lands of the United States subject to private entry at the time of such location at the minimum price. When such warrant is located on lands which are subject to entry at a greater minimum than one dollar and twenty-five cents per acre, the locator shall pay to the United States in cash the difference between the value of such warrants at one dollar and twenty-five cents per acre and the tract of land located on. But where such tract is rated at one dollar and twenty-five cents per acre, and does not exceed the area specified in the warrant, it must be taken in full satisfaction thereof.

Location of land warrants issued in virtue of certain acts named.

2 July, 1864, sec. 1 (13 S. L., 378).

SEC. 2416. In all cases of warrants for bounty-lands, issued by virtue of an act approved July twenty-seven, one thousand eight hundred and forty-two, and of two acts approved January twenty-seven, one thousand eight hundred and thirty-five, therein and thereby revised, and of two acts to the same intent, respectively, approved June twenty-six, eighteen hundred and forty-eight, and February eight, eighteen hundred and fifty-four, for military services in the revolutionary war, or in the war of eighteen hundred and twelve with Great Britain, which remained unsatisfied on the second day of July, eighteen hundred and sixty-four, it is lawful for the person in whose name such warrant issued, his heirs or legal representatives, to enter in quarter-sections, at the proper local land office in any of the States or Territories, the quantity of the public lands subject to private entry which he is entitled to under such warrant.

Same subject. 2 July, 1864, sec. 2 (13 S. L., 379).

SEC. 2417. All warrants for bounty-lands referred to in the preceding section may be located at any time, in con-

formity with the general laws in force at the time of such location.

NOTE.—No blank forms for bounty-land warrants have been prepared since the adoption of the Revised Statutes. All warrants are therefore issued under the original laws, to wit, the acts of 1847, 1850, 1852, and 1855, and it is so recited in the body of the warrant, which does not indicate that the issue is made under any provision of the Revised Statutes.

SEC. 2418. Each of the surviving, or the widow or minor children of deceased commissioned and non-commissioned officers, musicians, or privates, whether of regulars, volunteers, rangers, or militia, who performed military service in any regiment, company, or detachment, in the service of the United States, in the war with Great Britain, declared on the eighteenth day of June, eighteen hundred and twelve, or in any of the Indian wars since seventeen hundred and ninety, and prior to the third of March, eighteen hundred and fifty, and each of the commissioned officers who was engaged in the military service of the United States in the war with Mexico, shall be entitled to lands as follows: Those who engaged to serve twelve months or during the war, and actually served nine months, shall receive one hundred and sixty acres, and those who engaged to serve six months, and actually served four months, shall receive eighty acres, and those who engaged to serve for any or an indefinite period, and actually served one month, shall receive forty acres; but wherever any officer or soldier was honorably discharged in consequence of disability contracted in the service, before the expiration of his period of service, he shall receive the amount to which he would have been entitled if he had served the full period for which he had engaged to serve. All the persons enumerated in this section who enlisted in the regular army, or were mustered in any volunteer company for a period of not less than twelve months, and who served in the War with Mexico and received an honorable discharge, or who were killed or died of wounds received or sickness incurred in the course of such service, or were discharged before the expiration of the term of service in consequence of wounds received or sickness incurred in the course of such service, shall be entitled to receive a certificate or warrant for one hundred and sixty acres of

Granting bounty-land warrants for various periods of service in certain wars.
28 Sept., 1850, sec. 1 (9 S. L., 520).
11 Feb., 1847, sec. 9 (9 S. L., 125, 126).

War of 1812.
Regular Army:
See act 24 Dec., 1811, sec. 2 (2 S. L., 669).

See act 11 Jan., 1812, sec. 12 (2 S. L., 672).

See act 20 Jan., 1813, sec. 4 (2 S. L., 792).

Volunteers:
See act 6 Feb., 1812, sec. 6 (2 S. L., 677).

Regular Army:
Double bounty.
See act 10 Dec., 1814, secs. 2 and 4 (3 S. L., 147).

Soldiers promoted entitled:

See act 16 Apr., 1816, sec. 3 (3 S. L., 286).

See act 27 May, 1848, sec. 2 (9 S. L., 233).

For end of Mexican War see res. 16 June, 1848 (9 S. L., 335).

Discharge for disability, see res. 24 Mar., 1848 (9 S. L., 334).

Provision granting bounty land to parents and brothers and sisters of other than enlisted men in War with Mexico is new law.

For brothers and sisters see act 27 May, 1848, sec. 1 (9 S. L., 232).

land; or at option Treasury scrip for one hundred dollars bearing interest at six per cent. per annum, payable semi-annually, at the pleasure of the Government. In the event of the death of any one of the persons mentioned in this section during service, or after his discharge, and before the issuing of a certificate or warrant, the warrant or scrip shall be issued in favor of his family or relatives; first, to the widow and his children; second, his father; third, his mother; fourth, his brothers and sisters.

NOTE.—It is supposed that the preceding section was intended to embody the provisions of the bounty-lands acts of February 11, 1847, and September 28, 1850. The former act, as amended, granted bounty land to the enlisted men of the Mexican war, their widows and children, fathers, mothers, brothers, and sisters. The latter act made similar grants to the commissioned officers of that war, and to the officers and enlisted men of other wars from 1790 to the date of the act, and to the widows and minor children of such officers and enlisted men. In the attempt to combine these two acts in section 2418 above, and by the peculiar construction of that section, those who were actually provided for in the act of 1847, viz, the *enlisted men* and *their heirs*, were entirely omitted, while on the other hand the benefits of the act of 1850 were extended to a class of heirs—to wit, fathers, mothers, brothers, and sisters—who were not previously provided for in that act or in any other bounty-land law except in the act of 1847 and amendment. The questions raised by these diversities in the law have, however, been settled by the Department. It is held: 1. That the provisions of the act of 1847 are kept in force by section 5597, Revised Statutes, notwithstanding the provisions of repeal contained in section 5596, Revised Statutes. 2. That the new law incorporated in section 2418 must be given its full force and intent. See (3) paragraph 15, and (4) paragraph 47, title *Bounty Land, Digest of Pension Laws, 1885.*

Certain classes of persons in the Mexican war, their widows, etc., entitled to forty acres.

11 Feb., 1847, sec. 9 (9 S. L., 126).

SEC. 2419. The persons enumerated in the preceding sections received into service after the commencement of the war with Mexico, for less than twelve months, and who served such term, or were honorably discharged are entitled to receive a certificate or warrant for forty acres,¹ or scrip for twenty-five dollars, if preferred, and in the event of the death of such person during service, or after honorable discharge before the eleventh of February, eighteen hundred and forty-seven, the warrant or scrip shall issue to the wife, child, or children, if there be any, and if none, to the father, and if no father, to the mother of such soldier.

SEC. 2420. Where the militia, or volunteers, or State troops of any State or Territory, subsequent to the eighteenth day of June, eighteen hundred and twelve, and prior to March twenty-second, eighteen hundred and fifty-two, were called into service, the officers and soldiers thereof shall be entitled to all the benefits of section two thousand four hundred and eighteen upon proof of length of service as therein required.

Militia and volunteers in service since 1812.
22 Mar., 1852, sec. 4 (10 S. L., 4).

SEC. 2421. No person shall take any benefit under the provisions of the three preceding sections if he has received, or is entitled to receive, any military land-bounty under any act of Congress passed prior to the twenty-second March, eighteen hundred and fifty-two.

Persons not entitled under preceding sections.
28 Sept., 1850, sec. 1 (9 S. L., 520).
Also act 22 Mar., 1852, sec. 4, proviso (10 S. L., 4).

Ruling of Commissioner of Pensions, No. 28. Section 2421 should be read and interpreted in the same sense as if the word "other" stood between the words "any" and "act" in the third line of the section, and such will be the construction of this Bureau.

SEC. 2422. The period during which any officer or soldier remained in captivity with the enemy shall be estimated and added to the period of actual service, and the person so retained in captivity shall receive land under the provisions of sections twenty-four hundred and eighteen and twenty-four hundred and twenty, in the same manner that he would be entitled in case he had entered the service for the whole term made up by the addition of the time of his captivity, and had served during such term.

Period of captivity added to actual service.
28 Sept., 1850, sec. 2 (9 S. L., 520).

SEC. 2423. Every person for whom provision is made by sections twenty-four hundred and eighteen and twenty-four hundred and twenty shall receive a warrant from the Department of the Interior for the quantity of land to which he is entitled; and, upon the return of such warrant with evidence of the location thereof having been legally made, to the General Land-Office, a patent shall be issued therefor.

Warrant and patent to issue, when.
28 Sept., 1850, c. 85, sec. 3 (9 S. L., 520).
See ordinance 20 May, 1785.
See act 15 Apr., 1806, secs. 1 and 2, and numerous continuing acts. (2 S. L., 378).
See act 6 May, 1812, sec. 3 (2 S. L., 729).

SEC. 2424. In the event of the death of any person, for whom provision is made by sections twenty-four hundred and eighteen and twenty-four hundred and twenty, and who did not receive bounty-land for his services, a like warrant shall issue in favor of his widow, who shall be entitled to one hundred and sixty acres of land in case her husband was killed in battle; nor shall a subsequent marriage impair the right of any widow to such warrant, if she be a widow at the time of making her application.

Widows of persons entitled.
28 Sept., 1850, sec. 3 (9 S. L., 520).

Additional
bounty lands,
etc.
3 Mar., 1855,
secs. 1, 3 (10 S. L.,
701, 702).

SEC. 2425. Each of the surviving persons specified in the classes enumerated in the following section, who has served for a period of not less than fourteen days, in any of the wars in which the United States have been engaged since the year seventeen hundred and ninety, and prior to the third day of March, eighteen hundred and fifty-five, shall be entitled to receive a warrant from the Department of the Interior, for one hundred and sixty acres of land; and, where any person so entitled has, prior to the third day of March, eighteen hundred and fifty-five, received a warrant for any number of acres less than one hundred and sixty, he shall be allowed a warrant for such quantity of land only as will make, in the whole, with what he may have received prior to that date, one hundred and sixty acres.

Additional
land to make 160
acres.

Classes under
last section speci-
fied.
3 Mar., 1855,
sec. 1 (10 S. L.,
701).

SEC. 2426. The classes of persons embraced as beneficia-
ries under the preceding section, are as follows, namely:

First. Commissioned and non-commissioned officers, musicians, and privates, whether of the regulars, volunteers, rangers, or militia, who were regularly mustered into the service of the United States.

3 Mar., 1855,
sec. 1.

Second. Commissioned and non-commissioned officers, seamen, ordinary seamen, flotilla-men, marines, clerks, and landsmen in the Navy.

3 Mar., 1855,
sec. 1.

Third. Militia, volunteers, and State troops of any State or Territory, called into military service, and regularly mustered therein, and whose services have been paid by the United States.

3 Mar., 1855,
sec. 1, 2d proviso.

Fourth. Wagon-masters and teamsters who have been employed under the direction of competent authority, in time of war, in the transportation of military stores and supplies.

3 Mar., 1855,
sec. 8.

14 May, 1856,
sec. 4 (11 S. L., 8).

Fifth. Officers and soldiers of the revolutionary war, and marines, seamen, and other persons in the naval service of the United States during that war.

3 Mar., 1855,
sec. 10.

14 May, 1856,
sec. 5.

Sixth. Chaplains who served with the Army.
Seventh. Volunteers who served with the armed forces of the United States in any of the wars mentioned, subject to military orders, whether regularly mustered into the service of the United States or not.

What classes
of persons enti-
tled under sec-
tion 2425, with-
out regard to
length of service.

3 Mar., 1855,
sec. 3 (10 S. L.,
702).

SEC. 2427. The following class of persons are included as beneficiaries under section twenty-four hundred and twenty-five, without regard to the length of service rendered.

First. Any of the classes of persons mentioned in section twenty-four hundred and twenty-six who have been actually engaged in any battle in any of the wars in which this country has been engaged since seventeen hundred and ninety, and prior to March third, eighteen hundred and fifty-five.

Second. Those volunteers who served at the invasion of Plattsburgh, in September, eighteen hundred and fourteen. 3 Mar., 1855, sec. 9.

Third. The volunteers who served at the battle of King's Mountain, in the revolutionary war. 3 Mar., 1855, sec. 9.

Fourth. The volunteers who served at the battle of Nickojack against the confederate savages of the South. 3 Mar., 1855, sec. 9.

Fifth. The volunteers who served at the attack on Lewistown, in Delaware, by the British fleet, in the war of eighteen hundred and twelve. 3 Mar., 1855, sec. 11 (10 S. L., 702).

SEC. 2428. In the event of the death of any person who would be entitled to a warrant, as provided in section twenty-four hundred and twenty-five, leaving a widow, or, if no widow, a minor child, such widow or such minor child shall receive a warrant for the same quantity of land that the decedent would be entitled to receive, if living on the third day of March, eighteen hundred and fifty-five. Widows and children of persons entitled under section 2425. 3 Mar., 1855, sec. 2 (10 S. L., 702). Also 14 May, 1856, sec. 6 (11 S. L., 9).

SEC. 2429. A subsequent marriage shall not impair the right of any widow, under the preceding section, if she be a widow at the time of her application. Subsequent marriage of widow. 3 Mar., 1855, sec. 2 (10 S. L., 702). See sec. 2424.

SEC. 2430. Persons within the age of twenty-one years on the third day of March, eighteen hundred and fifty-five, shall be considered minors within the intent of section twenty-four hundred and twenty-eight. Minors under section 2428. 3 Mar., 1855, sec. 2 (10 S. L., 702).

SEC. 2431. Where no record evidence of the service for which a warrant is claimed exists, parol evidence may be admitted to prove the service performed, under such regulations as the Commissioner of Pensions may prescribe. Proof of service. 14 May, 1856, sec. 3 (11 S. L., 8).

SEC. 2432. Where a certificate or warrant for bounty-land for any less quantity than one hundred and sixty acres has been issued to any officer or soldier, or to the widow or minor child of any officer or soldier, the evidence upon which such certificate or warrant was issued shall be received to establish the service of such officer or soldier in the application of himself, or of his widow or minor child, for a warrant for so much land as may be required to make up the full sum of one hundred and sixty acres, to which he may be entitled under the preceding section, on proof of the identity of such officer or Former evidence of right to bounty land to be received in certain cases. 14 May, 1856, sec. 1 (11 S. L., 8).

soldier, or, in case of his death, of the marriage and identity of his widow, or, in case of her death, of the identity of his minor child. But if, upon a review of such evidence, the Commissioner of Pensions is not satisfied that the former warrant was properly granted, he may require additional evidence, as well of the term as of the fact of service.

Allowance of time of service for distance from home to place of muster or discharge.

14 May, 1856,
sec. 7 (11 S. L., 9).
22 Mar., 1852,
sec. 5 (10 S. L., 4).

SEC. 2433. When any company, battalion, or regiment, in an organized form, marched more than twenty miles to the place where they were mustered into the service of the United States, or were discharged more than twenty miles from the place where such company, battalion, or regiment was organized, in all such cases, in computing the length of service of the officers and soldiers of any such company, battalion, or regiment, there shall be allowed one day for every twenty miles from the place where the company, battalion, or regiment was organized to the place where the same was mustered into the service of the United States, and one day for every twenty miles from the place where such company, battalion, or regiment was discharged, to the place where it was organized, and from whence it marched to enter the service, provided that such march was in obedience to the command or direction of the President, or some general officer of the United States, commanding an army or department, or the chief executive officer of the State or Territory by which such company, battalion, or regiment was called into service.

Indians included.

3 Mar., 1855,
sec. 7 (10 S. L., 702).

SEC. 2434. The provisions of all the bounty-land laws shall be extended to Indians, in the same manner and to the same extent as to white persons.

Former evidence of right to a pension to be received in certain cases on application for bounty land.

14 May, 1856,
sec. 2 (11 S. L., 8).

SEC. 2435. Where a pension has been granted to any officer or soldier, the evidence upon which such pension was granted shall be received to establish the service of such officer or soldier in his application for bounty land; and upon proof of his identity as such pensioner, a warrant may be issued to him for the quantity of land to which he is entitled; and in case of the death of such pensioned officer or soldier, his widow shall be entitled to a warrant for the same quantity of land to which her husband would have been entitled, if living, upon proof that she is such widow; and in case of the death of such officer or soldier, leaving a minor child and no widow, or where the widow may have deceased before the issuing of any warrant, such minor child shall be entitled to a war-

rant for the same quantity of land as the father would have been entitled to receive if living, upon proof of the decease of father and mother. But if, upon a review of such evidence, the Commissioner of Pensions is not satisfied that the pension was properly granted, he may require additional evidence, as well of the term as of the fact of service.

SEC. 2436. All sales, mortgages, letters of attorney, or other instruments of writing, going to affect the title or claim to any warrant issued, or to be issued, or any land granted, or to be granted, under the preceding provisions of this chapter, made or executed prior to the issue of such warrant, shall be null and void to all intents and purposes whatsoever; nor shall such warrant, or the land obtained thereby, be in anywise affected by, or charged with, or subject to, the payment of any debt or claim incurred by any officer or soldier, prior to the issuing of the patent.

SEC. 2437. It shall be the duty of the Commissioner of the General Land-Office, under such regulations as may be prescribed by the Secretary of the Interior, to cause to be located, free of expense, any warrant which the holder may transmit to the General Land-Office for that purpose, in such State or land-district as the holder or warrantee may designate, and upon good farming-land, so far as the same can be ascertained from the maps, plats, and field-notes of the surveyor, or from any other information in the possession of the local office, and, upon the location being made, the Secretary shall cause a patent to be transmitted to such warrantee or holder.

SEC. 2438. No person who has been in the military service of the United States shall, in any case, receive a bounty-land warrant if it appears by the muster-rolls of his regiment or corps that he deserted or was dishonorably discharged from service.

SEC. 2439. When a soldier of the Regular Army, who has obtained a military land-warrant, loses the same, or such warrant is destroyed by accident, he shall, upon proof thereof to the satisfaction of the Secretary of the Interior, be entitled to a patent in like manner as if the warrant was produced.

SEC. 2440. In all cases of discharge from the military service of the United States of any soldier of the Regular Army, when it appears to the satisfaction of the Secretary of War that a certificate of faithful services has been

Sales, mortgages, letters of attorney, etc., made before issue of warrant to be void.

28 Sept., 1850, sec. 4 (9S. L., 521).

Also 11 Feb., 1847, sec. 9.

See ordinance 20 May, 1785.

See act 20 Apr., 1806, secs. 1, 2, and various continuing acts.

See act 6 May, 1812, sec. 4.

Warrants to be located free of expense by Commissioner of Land Office, etc.

28 Sept., 1850, sec. 4 (9 S. L., 521).

See ordinance 20 May, 1785.

See act 15 Apr., 1806, secs. 1, 2, and various continuing acts (2 S. L., 378).

See act 6 May, 1812, secs. 2, 3 (2 S. L., 729).

Deserters not entitled to bounty land.

28 Sept., 1850, sec. 1 (9 S. L., 520).

3 Mar., 1855, sec. 1 (10 S. L., 701).

11 Feb., 1847, and other acts.

Lost warrants, provisions for.

27 Apr., 1816, sec. 1 (3 S. L., 317).

Discharges, omissions and loss of, provided for.

27 Apr., 1816, sec. 2 (3 S. L., 317).

omitted by the neglect of the discharging officer, by misconstruction of the law, or by any other neglect or casualty, such omission shall not prevent the issuing of the warrant and patent as in other cases. And when it is proved that any soldier of the Regular Army has lost his discharge and certificate of faithful service, the Secretary of War shall cause such papers to be furnished such soldier as will entitle him to his land-warrant and patent, provided such measure is justified by the time of his enlistment, the period of service, and the report of some officer of the corps to which he was attached.

New warrant issued in lieu of lost warrant.

23 June, 1860, sec. 1 (12 S. L., 90).

20 June, 1874 (18 S. L., 111).

SEC. 2441. Whenever it appears that any certificate or warrant, issued in pursuance of any law granting bounty-land, has been lost or destroyed, whether the same has been sold and assigned by the warrantee or not, the Secretary of the Interior is required to cause a new certificate or warrant of like tenor to be issued in lieu thereof; which new certificate or warrant may be assigned, located, and patented in like manner as other certificates or warrants for bounty-land are now authorized by law to be assigned, located, and patented; and in all cases where warrants have been, or may be, re-issued, the original warrant, in whosever hands it may be, shall be deemed and held to be null and void, and the assignment thereof, if any there be, fraudulent; and no patent shall ever issue for any land located therewith, unless such presumption of fraud in the assignment be removed by the proof that the same was executed by the warrantee in good faith and for a valuable consideration.

Regulations by Secretary of Interior.

23 June, 1860, sec. 2 (12 S. L., 91).

20 June, 1874 (18 S. L., 111).

SEC. 2442. The Secretary of the Interior is required to prescribe such regulations for carrying the preceding section into effect as he may deem necessary and proper in order to protect the Government against imposition and fraud by persons claiming the benefit thereof; and all laws and parts of laws for the punishment of frauds against the United States are made applicable to frauds under that section.

Mode of issuing patents to the heirs of persons entitled to bounty lands.

3 Mar., 1843, res. No. 7 (5 S. L., 650).

SEC. 2443. In all cases where an officer or soldier of the revolutionary war, or a soldier of the war of eighteen hundred and twelve, was entitled to bounty-land, has died before obtaining a patent for the land, and where application is made by a part only of the heirs of such deceased officer or soldier for such bounty-land, it shall be the duty of the Secretary of the Interior to issue the patent in the name of the heirs of such deceased officer or soldier, with-

out specifying each; and the patent so issued in the name of the heirs, generally, shall inure to the benefit of the whole, in such portions as they are severally entitled to by the laws of descent in the State or Territory where the officer or soldier belonged at the time of his death.

SEC. 2444. When proof has been or hereafter is filed in the Pension-Office, during the life-time of a claimant, establishing, to the satisfaction of that office, his right to a warrant for military services, and such warrant has not been, or may not be, issued until after the death of the claimant, and all such warrants as have been heretofore issued subsequent to the death of the claimant, the title to such warrants shall vest in his widow, if there be one, and if there be no widow, then in the heirs or legatees of the claimant; and all military bounty-land warrants issued pursuant to law shall be treated as personal chattels, and may be conveyed by assignment of such widow, heirs, or legatees, or by the legal representatives of the deceased claimant, for the use of such heirs or legatees only.

SEC. 2445. The legal representatives of a deceased claimant for a bounty-land warrant, whose claim was filed prior to his death, may file the proofs necessary to perfect such claim.

SEC. 2446. Where an actual settler on the public lands has sought, or hereafter attempts, to locate the land settled on and improved by him, with a military bounty-land warrant, and where, from any cause, an error has occurred in making such location, he is authorized to relinquish the land so erroneously located, and to locate such warrant upon the land so settled upon and improved by him, if the same then be vacant, and if not, upon any other vacant land, on making proof of those facts to the satisfaction of the land-officers, according to such rules and regulations as may be prescribed by the Commissioner of the General Land-Office, and subject to his final adjudication.

LAWS PRIOR TO REVISED STATUTES STILL IN FORCE.

Act February 11, 1847.

SEC. 9. *And be it further enacted,* That each non-commissioned officer, musician, or private, enlisted or to be enlisted in the regular army, or regularly mustered in any volunteer company for a period of not less than

Death of claimant after establishing right and before issuing of warrant, legal representatives may complete.

3 June, 1858, sec. 1 (11 S. L., 308).

See 11 Feb., 1847, sec. 9 (9 S. L., 125).

See 28 Sept., 1850, sec. 3 (9 S. L., 520).

When proofs may be filed by legal representatives.

3 Mar., 1869 (15 S. L., 336).

Relocation of military bounty-land warrants in cases of error.

3 Mar., 1853, sec. 1 (10 S. L., 256).

Act 11 Feb., 1847 (9 S. L., 125).

Soldiers enlisted in Regular Army or mustered as volunteers for not less than 12 months.

twelve months, who has served or may serve during the present war with Mexico, and who shall receive an honorable discharge, or who shall have been killed, or died of wounds received or sickness incurred in the course of such service, or who shall have been discharged before the expiration of his term of service in consequence of wounds received or sickness incurred in the course of such service, shall be entitled to receive a certificate or warrant from the war department for the quantity of one hundred and sixty acres, and which may be located by the warrantee, or his heirs at law at any land office of the United States, in one body, and in conformity to the legal subdivisions of the public lands, upon any of the public lands in such district then subject to private entry; and upon the return of such certificate or warrant, with evidence of the location thereof having been legally made, to the General Land Office, a patent shall be issued therefor. That in the event of the death of any such non-commissioned officer, musician, or private, during service, or after his discharge, and before the issuing of a certificate or warrant as aforesaid, the said certificate or warrant shall be issued in favor, and inure to the benefit, of his family or relatives, according to the following rules: first to the widow and to his children; second, his father; third, his mother. And in the event of his children being minors, then the legally-constituted guardian of such minor children shall, in conjunction with such of the children, if any, as may be of full age, upon being duly authorized by the orphans' or other court having probate jurisdiction, have power to sell and dispose of such certificate or warrant for the benefit of those interested. And all sales, mortgages, powers, or other instruments of writing, going to affect the title or claim to any such bounty right, made or executed prior to the issue of such warrant or certificate, shall be null and void to all intents and purposes whatsoever, nor shall such claim to bounty right be in any wise affected by, or charged with, or subject to, the payment of any debt or claim incurred by the soldier prior to the issuing of such certificate or warrant: *Provided*, that no land warrant issued under the provisions of this act shall be laid upon any lands of the United States to which there shall be a preëmption right, or upon which there shall be an actual settlement and

Honorably discharged, killed, or died in service.

Discharged for wounds or sickness.

One hundred and sixty acres.

When soldier dies before issue of warrant, title descends to the widow and children, father or mother.

cultivation: *Provided, further,* That every such non-commissioned officer, musician, and private, who may be entitled, under the provisions of this act, to receive a certificate or warrant for one hundred and sixty acres of land, shall be allowed the option to receive such certificate or warrant, or a treasury scrip for one hundred dollars; and such scrip, whenever it is preferred, shall be issued by the Secretary of the Treasury to such person or persons as would be authorized to receive such certificates or warrants for lands; said scrip to bear an interest of six per cent. per annum, payable semi-annually, redeemable at the pleasure of the government. And that each private, non-commissioned officer and musician, who shall have been received into the service of the United States, since the commencement of the war with Mexico, for less than twelve months, and shall have served for such term or until honorably discharged, shall be entitled to receive a warrant for forty acres of land, which may be subject to private entry, or twenty-five dollars in scrip, if preferred; and in the event of the death of such volunteer during his term of service, or after an honorable discharge, but before the passage of this act, then the warrant for such land or scrip, shall issue to the wife, child, or children, if there be any, and, if none, then to the father, and, if there be no father, then to the mother of such deceased volunteer: *Provided,*¹ That nothing contained in this section shall be construed to give bounty land to such volunteers as were accepted into service, and discharged without being marched to the seat of war.

Proviso that every person entitled to receive a land warrant may receive scrip for \$100 bearing 6 per cent interest.

Forty acres allowed on account of service under enlistment for less than 12 months.

Act May 27, 1848.

Be it enacted, etc., That the term "relatives," as used in the ninth section of the act entitled "An Act to raise, for a limited time, an additional military force, and for other purposes," approved eleventh February, eighteen hundred and forty-seven, shall be considered as extending to the brothers and sisters of those persons whose services, under that act, may have entitled them to the land therein provided: the order or priority of right, however, shall remain as declared in that act; and those failing, the right shall accrue, fourthly, to the brother or sister, or in equal proportions to the brothers and sisters of the deceased, as the case may be.

Act 27 May, 1848, amending act 11 Feb., 1847 (9 S. L., 232).

On failure of other relatives, brothers and sisters are entitled.

¹ The act of March 22, 1852, section 4 (10 S. L., 4), repeals the last proviso of the ninth section of this act.

SEC. 2. *And be it further enacted*, That the benefits of the said act of eleventh February, eighteen hundred and forty-seven, shall not be construed as forfeited by the privates and non-commissioned officers who have been, or may be, promoted to the grade of commissioned officer during their service in Mexico, and who shall have subsequently fulfilled the condition of their engagements: *Provided*, Such promotion shall have been made subsequent to the original organization of the company, corps, or regiment to which such privates and non-commissioned officers may have belonged.

Promotion of privates and non-commissioned officers does not bar title.

Joint Resolution June 16, 1848.

J. Res. 16 June, 1848 (9 S. L., 335). Joint resolution in relation to the transportation and discharge of the military forces of the United States at the close of the War with Mexico.

Resolved, etc., That on the restoration of peace with Mexico, by a treaty of peace duly ratified and proclaimed, all the military forces of the United States, whether volunteers, regulars, or the marine corps, who by law, or the terms of their engagement, are to be discharged at the close of the war, shall, under the direction of the President of the United States, be transported or marched, with the least practicable delay, to such posts or places in the United States as may be least expensive and most convenient to the troops—and at such places they shall be discharged from the service of the United States; and that until they shall respectively reach such places and be discharged, the officers and men shall be considered, paid, and treated as in the service of the United States, in the same manner as if the war had not closed.

Act July 10, 1848.

SEC. 2. *And be it further enacted*, That those enlisted men of the ordnance department who have served, or may serve, in Mexico during the war with that country, shall be entitled to, and shall receive, the same bounty in land as is or may be allowed by law to other regular troops in the service of the United States, and under like limitations and restrictions.

Act 10 July, 1848 (9 S. L., 246). Bounty lands granted to enlisted men of the Ordnance Department who served in the war with Mexico.

Joint Resolution August 10, 1848.

Resolved, etc., That the officers, non-commissioned officers, privates, and musicians of the marine corps, who have served with the army in the war with Mexico, and also the artificers and laborers of the ordnance corps serving in said war, be placed, in all respects as to bounty land and other remuneration, in addition to ordinary pay,

J. Res. 10 Aug., 1848 (9 S. L., 340). Joint resolution concerning certain portions of the Marine and Ordnance Corps who have served with the Army in the war with Mexico.

on a footing with the officers, non-commissioned officers, privates, and musicians of the army: *Provided*, That this remuneration shall be in lieu of prize money and all other extra allowances.

An Act Making Appropriations for the Civil and Diplomatic Expenses of Government for the Year Ending the 30th of June, 1850, and for Other Purposes.

Act 3 Mar., 1849
(9 S. L., 366).

Redemption of Treasury scrip issued under the act to raise for a limited time an additional military force.

* * * * *

For the redemption of the treasury scrip heretofore issued for the satisfaction of the bounties promised to the non-commissioned officers, musicians, and privates, by the ninth section of the act of the eleventh of February, eighteen hundred and forty-seven, to raise for a limited time an additional military force, and for other purposes, and for the satisfaction in money of such bounties due under said section of said act as those to whom they are due may elect to receive in money instead of land, three hundred thousand dollars. And the Secretary of the Treasury is hereby directed, immediately after the passage of this act to give notice, by publication for sixty days, in at least one of the principal papers in Washington city, Baltimore, Philadelphia, New York, and Boston, and in such other papers as he may deem expedient, that the principal and interest of such scrip as has been or may be issued prior to the first of July, A. D., eighteen hundred and forty-nine, will be paid on that day on presentation at the Treasury of the United States, and that the interest on such scrip will cease on that day. And the said Secretary is further directed not to issue scrip for said bounty after that day, but to pay the same in money out of this appropriation in all cases when the person entitled to the bounty in land shall elect to receive money in lieu thereof. * * *

NOTE.—The compilers of the Revised Statutes seem to have overlooked the above-quoted provision of the act of March 3, 1849 (an appropriation act), which repealed so much of the act of February 11, 1847, as provided for the issue of scrip in lieu of bounty in land, and said provision of the act of February 11, 1847, has been re-enacted in sections 2418 and 2419, Revised Statutes. It is, however, of little importance in this case whether the said re-enactment, in such a codification of old laws as the Revised Statutes purports to be, of a repealed law reinstates that law upon the statute books, for no one is likely to ask for the issue of a scrip certificate for \$100 in lieu of a bounty-land war-

rant whose market value is not less than \$175. It appears from the records of this Bureau and those of the Treasury Department that the last scrip certificate was issued June 23, 1849; that all such certificates matured on the 1st of July, 1849, when interest thereon ceased. The reports of the Treasury Department show that all of said certificates have been redeemed except a small number, amounting in value to \$3,175. After the repeal of the scrip provision of the act of 1847, the Pension Bureau issued, under the act of 1849, a certificate for \$100 in money in lieu of a warrant for 160 acres of land, and \$25 in money in lieu of a warrant for 40 acres. The last certificate of this kind issued from this Bureau was dated July 29, 1869. These money certificates bore no interest; they were simply so much money paid the party entitled to the warrant in lieu thereof.

DISLOYALTY.

REVISED STATUTES.

Sec. 3480, R. S.
Claims barred
by disloyalty.

Joint resolution
2 Mar. 1867 (14
S. L., 571).

Bar removed
by act of Mar.
11, 1898, follow-
ing.

SEC. 3480. It shall be unlawful for any officer to pay any account, claim, or demand against the United States which accrued or existed prior to the thirteenth day of April, eighteen hundred and sixty-one, in favor of any person who promoted, encouraged, or in any manner sustained the late rebellion, or in favor of any person who during such rebellion was not known to be opposed thereto, and distinctly in favor of its suppression; and no pardon heretofore granted, or hereafter to be granted, shall authorize the payment of such account, claim, or demand, until this section is modified or repealed. But this section shall not be construed to prohibit the payment of claims founded upon contracts made by any of the Departments, where such claims were assigned or contracted to be assigned prior to the first day of April, eighteen hundred and sixty-one, to the creditors of such contractors, loyal citizens of loyal States, in payment of debts incurred prior to the first day of March, eighteen hundred and sixty-one.

Act 11 Mar.,
1898 (30 S. L., 274)
Applications
for bounty land.
Sec. 3480, R. S.,
amended.

Proof of loyalty
during the war of
the rebellion dis-
pensd with.

AN ACT TO REPEAL IN PART AND TO LIMIT SECTION THIRTY-FOUR HUNDRED AND EIGHTY OF THE REVISED STATUTES OF THE UNITED STATES.

Be it enacted, etc., That section thirty-four hundred and eighty of the Revised Statutes of the United States be, and the same is hereby, so far and no further, modified and repealed as to dispense with proof of loyalty

during the late war of the rebellion as a prerequisite in any application for bounty land where the proof shows that the applicant is entitled thereto.

Approved, March 11, 1898.

EXECUTION OF PAPERS.

AN ACT IN RELATION TO OATHS IN PENSION AND OTHER CASES.

Act 1 July, 1890
(26 S. L., 209).

Execution of declarations and affidavits in bounty-land cases.

Sec. 4714, R. S., amended.

Act 3 Mar., 1873,
sec. 21 (17 S. L., 573).

Be it enacted, etc., That any and all affidavits and declarations to be hereafter made or used in any pension or bounty cases, or in claims against the Government for back pay or arrears or increase of pension, or for quarterly vouchers, may be taken by any officer authorized to administer oaths for general purposes in the State, City, or county where said officer resides. If such officer has a seal and uses it upon such paper, no certificate of a county clerk, or prothonotary, or clerk of a court shall be necessary; but when no seal is used by the officer taking such affidavit, then a clerk of a court of record, or a county or city clerk, shall affix his official seal thereto, and shall certify to the signature and official character of said officer.

Absence of authentication by seal, certificate of official character requisite.

Approved, July 1, 1890.

JOINT RESOLUTION AMENDING AND CONSTRUING THE ACT APPROVED JULY FIRST, EIGHTEEN HUNDRED AND NINETY, IN RELATION TO OATHS IN PENSION AND OTHER CASES.

Joint resolution 1 Sept., 1890 (26 S. L., 679).

Oaths in pension and bounty-land cases.

Act 1 July, 1890,
amended and construed.

Resolved, etc., That the act approved July first, eighteen hundred and ninety, entitled "An act in relation to oaths in pension and other cases," be and the same is hereby, amended and construed to mean that when declarations, affidavits, and other papers are verified by justices of the peace and other officers duly authorized by law to administer oaths for general persons, but not required by law to have seals, the official character, signature, and term of service of such justice or other officer shall be certified by the clerk of the county or court of record or other proper officer, under the seal of such county or court or public officer, in the department or bureau in which such papers are to be used; and one such certificate duly filed in such department or bureau, or with any pension agent, shall be sufficient as to all veri-

fications of such officer during his official term, and all papers heretofore or hereafter filed shall be subject to this rule.

Approved, September 1, 1890.

NOTE.—Prior to the passage of the act, of July 1, 1890, it does not appear that there was any law providing, in letter, for the execution of declarations in bounty land claims, but the laws governing the execution of declarations in pension claims were construed by the Department and this Bureau as covering this class of cases.

OFFENSES.

Act 7 July, 1898 (30 S. L., 718). **AN ACT TO AMEND SECTION FORTY-SEVEN HUNDRED AND FORTY-SIX OF THE REVISED STATUTES OF THE UNITED STATES.**
 Sec. 4746, R. S. amended.

Be it enacted, etc., That section forty-seven hundred and forty-six of the Revised Statutes of the United States is hereby amended to read as follows:

Sec. 33, Act 3 Mar., 1873 (17 S. L., 575). “That every person who knowingly or willfully makes or aids, or assists in the making, or in any wise procures the making or presentation of any false or fraudulent affidavit, declaration, certificate, voucher, or paper or writing purporting to be such, concerning any claim for pension or payment thereof, or pertaining to any other matter within the jurisdiction of the Commissioner of Pensions or of the Secretary of the Interior, or who knowingly or willfully makes or causes to be made, or aids or assists in the making, or presents or causes to be presented at any pension agency any power of attorney or other paper required as a voucher in drawing a pension, which paper bears a date subsequent to that upon which it was actually signed or acknowledged by the pensioner, and every person before whom any declaration, affidavit, voucher, or other paper or writing to be used in aid of the prosecution of any claim for pension or bounty land or payment thereof purports to have been executed who shall knowingly certify that the declarant, affiant, or witness named in such declaration, affidavit, voucher, or other paper or writing personally appeared before him and was sworn thereto, or acknowledged the execution thereof, when, in fact, such declarant, affiant, or witness did not personally appear before him or was not sworn thereto, or did not acknowledge the execution thereof, shall be punished by a fine not exceeding five hundred

Penalty for false affidavit, etc.

dollars, or by imprisonment for a term of not more than five years.

Approved, July 7, 1898.

AN ACT TO CODIFY, REVISE, AND AMEND THE PENAL LAWS OF THE UNITED STATES.

* * * * *

SEC. 29. Whoever shall falsely make, alter, forge, or counterfeit, or cause or procure to be falsely made, altered, forged, or counterfeited, or willingly aid or assist in the false making, altering, forging, or counterfeiting, any deed, power of attorney, order, certificate, receipt, contract, or other writing, for the purpose of obtaining or receiving, or of enabling any other person, either directly or indirectly, to obtain or receive from the United States, or any of their officers or agents, any sum of money; or whoever shall utter or publish as true, or cause to be uttered or published as true, any such false, forged, altered, or counterfeited deed, power of attorney, order, certificate, receipt, contract, or other writing, with intent to defraud the United States, knowing the same to be false, altered, forged, or counterfeited; or whoever shall transmit to, or present at, or cause or procure to be transmitted to, or presented at, any office or officer of the Government of the United States, any deed, power of attorney, order, certificate, receipt, contract, or other writing, in support of, or in relation to, any account or claim, with intent to defraud the United States, knowing the same to be false, altered, forged, or counterfeited, shall be fined not more than one thousand dollars and imprisoned not more than ten years.

Sec. 29, Crim. Code.
Forging deeds, powers of attorney, etc.

Sec. 5421, R. S.

* * * * *

SEC. 73. Whoever shall falsely make, alter, forge, or counterfeit any military bounty-land warrant, or military bounty-land warrant certificate, issued or purporting to have been issued by the Commissioner of Pensions under any law of Congress, or any certificate or duplicate certificate of location of any military bounty-land warrant, or military bounty-land warrant certificate upon any of the lands of the United States, or any certificate or duplicate certificate of the purchase of any of the lands of the United States, or any receipt or duplicate receipt for the purchase money of any of the lands of the United States,

Sec. 73, Crim. Code.
Forging military bounty-land warrant, etc.

R. S., s. 5420.

issued or purporting to have been issued by the register and receiver at any land office of the United States or by either of them; or whoever shall utter, publish, or pass as true, any such false, forged, or counterfeited military bounty-land warrant, military bounty-land warrant certificate, certificate or duplicate certificate of location, certificate or duplicate certificate of purchase, receipt or duplicate receipt for the purchase money of any of the lands of the United States, knowing the same to be false, forged, or counterfeited, shall be imprisoned not more than ten years.

* * * * *

Sec. 109, Crim. Code.
Officer not to be interested in claims against the United States

SEC. 109. Whoever, being an officer of the United States, or a person holding any place of trust or profit, or discharging any official function under, or in connection with, any Executive Department of the Government of the United States, or under the Senate or House of Representatives of the United States, shall act as an agent or attorney for prosecuting any claim against the United States, or in any manner, or by any means, otherwise than in discharge of his proper official duties, shall aid or assist in the prosecution or support of any such claim, or receive any gratuity, or any share of or interest in any claim from any claimant against the United States, with intent to aid or assist, or in consideration of having aided or assisted, in the prosecution of such claim, shall be fined not more than five thousand dollars, or imprisoned not more than one year, or both.

* * * * *

Sec. 113, Crim. Code.
Member of Congress taking compensation in matters to which the United States are parties.

SEC. 113. Whoever, being elected or appointed a Senator, Member of or Delegate to Congress, or a Resident Commissioner, shall, after his election or appointment and either before or after he has qualified, and during his continuance in office, or being the head of a department, or other officer or clerk in the employ of the United States, shall, directly or indirectly, receive, or agree to receive, any compensation whatever for any services rendered or to be rendered to any person, either by himself or another, in relation to any proceeding, contract, claim, controversy, charge, accusation, arrest, or other matter or thing in which the United States is a party or directly or indirectly interested, before any department, court-martial, bureau, officer, or any civil, military, or naval commission whatever, shall be fined not more than ten thousand dollars and imprisoned not more than two years;

Sec. 1782, R. S.

and shall, moreover, thereafter be incapable of holding any office of honor, trust, or profit under the Government of the United States.

NOTE.—For law penalizing the demanding or receiving of an illegal fee by an agent or attorney, see last paragraph, section 4, act July 4, 1884, page 23.

AGENTS AND ATTORNEYS.

REVISED STATUTES.

SEC. 190. It shall not be lawful for any person appointed after the first day of June, one thousand eight hundred and seventy-two, as an officer, clerk, or employé in any of the Departments, to act as counsel, attorney or agent for prosecuting any claim against the United States which was pending in either of said Departments while he was such officer, clerk, or employé, nor in any manner, nor by any means, to aid in the prosecution of any such claim, within two years next after he shall have ceased to be such officer, clerk, or employé.

Sec. 190, R. S. Persons formerly in the Departments not to prosecute claims in them.
Sec. 1, 1 June, 1872 (17 S. L., 202).

SEC. 3478. Any person prosecuting claims, either as attorney or on his own account, before any of the Departments or Bureaus of the United States, shall be required to take the oath of allegiance, and to support the Constitution of the United States, as required of persons in the civil service.¹

Sec. 3478, R. S. Oaths by persons prosecuting claims.
Act 17 July, 1862 (12 S. L., 610).

SEC. 3479. The oath provided for in the preceding section may be taken before any justice of the peace, notary public, or other person who is legally authorized to administer an oath in the State or district where the same may be administered.

Sec. 3479, R. S. Who may administer oath.
Act 17 July, 1862 (12 S. L., 610).

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.

Act 4 July, 1884 (23 S. L., 99).
Sec. 4785, R. S., reenacted and amended.

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:

¹ FORM OF OATH REQUIRED. (SEC. 1757, R. S.)

I, _____, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God.

Fees of attorney for prosecuting claims.

“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.”

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

Sec. 4786, R. S., amended.

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

Agreement for amount of fee to be filed.

“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

Fee in case of failure to file agreement.

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

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 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

Fee for bounty-land, etc.

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.”

No fee allowed for arrears of pensions, etc.

The articles of agreement herein provided for shall be in substance as follows, to wit: * * * 1

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.

Amount paid as fee to be stipulated in agreements; penalty for failure.

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

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

¹ The approved form of articles of agreement will be found on page 30.

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.

Commissioner of Pensions may reject contracts for fees, etc.

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.

Approved, July 4, 1884.

RULES OF PRACTICE IN PENSION AND BOUNTY LAND APPEALS.

Appeals.

RULE I.—Except as herein otherwise provided, an appeal may be taken to the Secretary of the Interior from the final action or order of the Commissioner of Pensions in all matters relating to pensions or bounty land, and a separate appeal must be filed in each claim.

Filed with Commissioner of Pensions; to be acted on within 30 days; if action be adhered to, the appeal, report thereon and record to be sent Department.

Docketing.

RULE II.—Appeals must be filed with the Commissioner of Pensions. The Commissioner will thereupon, within thirty days from the filing of said appeal, consider and determine whether the action or order from which the appeal is taken shall be adhered to; and if he shall determine not to recede therefrom, he shall, within said period of thirty days, forward said appeal, together with the record in the case and a report stating his reasons for the action or order complained of, to the Department; and said appeal shall thereupon be entered upon a docket kept for that purpose. Upon the perfection of such appeal, by transmission and docketing aforesaid, the jurisdiction of the Commissioner shall cease and determine, and the case will be decided by the Secretary on the record. The decision of the Secretary shall be in duplicate and the same shall be transmitted with said record to the Commissioner of Pensions for action in accordance therewith. One copy of the decision shall be transmitted by the Commissioner to the appellant or his duly accredited attorney.

Decision to be on the record.

Copy of decision to be sent to appellant or his attorney.
Limitation as to filing.

RULE III.—No appeal will be entertained unless filed within one year from the date of notice of final action or order of which complaint is made.

RULE IV.—No appeal will be entertained from the refusal of the Commissioner of Pensions to recognize attorneys or agents in prosecuting claims for pension or bounty land under any law wherein the payment of a fee for such service is prohibited.

Will not lie for refusal to recognize attorney in case where law prohibits fee.

RULE V.—In each appeal, the name and service of the soldier, on account of whose service the claim is based, must be stated, together with the number of claim, the law under which the claim is prosecuted, and the date and substance of the action from which the appeal is taken.

Grounds to be specified.
See Rule XI.

RULE VI.—An appeal by an attorney will not be entertained unless he has filed a duly executed power of attorney for this purpose from the appellant, or is entitled under the rules to recognition.

Attorney; when recognized in case on appeal.

RULE VII.—An appeal taken on behalf of a claimant by or through a suspended or disbarred attorney will not be entertained.

Attorney, suspended or disbarred; appeal by, not entertained.

RULE VIII.—No appeal pertaining to the allowance of a fee when the refundment has been called for will be entertained unless refundment as required shall have been made.

Attorney fee; refundment of.

RULE IX.—The Commissioner of Pensions shall return to the appellant any appeal not in conformity with the provisions of Rules III to VIII, inclusive, stating wherein the appeal is defective.

Commissioner of Pensions to return defective appeal to appellant.

RULE X.—In proceedings before the Commissioner in which he shall decide that a party has no right to appeal to the Secretary or that said appeal may not be entertained under the provisions of the foregoing rules such party may apply to the Secretary for an order directing the Commissioner to certify said action together with the record in the case to the Department; and such application shall be in writing, under oath, and shall fully and specifically set forth the grounds upon which the same is based.

Appellant may apply to Secretary for order directing Commissioner of Pensions to certify record, etc., to Department for consideration when said Commissioner has decided adversely to appellant's right to appeal.

RULE XI.—Each appeal must contain specific assignments of the alleged mistake or error of law or of fact in the adjudication of said claim by the Commissioner of Pensions; and any appeal insufficient in this respect may be dismissed by the Secretary.

Appeal must contain specific assignments of alleged mistakes of fact or errors of law. (See Rule V.)

RULE XII.—A motion for reconsideration of any departmental decision may be filed with and entertained by the Secretary, in his discretion, if filed within six months from the date when such decision was rendered. It must be shown in said motion that some material fea-

Reconsideration of departmental decisions, motions for; limitations.

ture of the case has not been considered in said decision, or that there was error of law or of fact.

Division of pension, act Mar. 3, 1899; practice; limitation.

RULE XIII.—Upon the adjudication of a claim for division of pension under the act of March 3, 1899, in the Bureau of Pensions, both parties will be promptly notified by the bureau, by registered letter, of the action taken. Each party will, in the absence of waiver, be allowed thirty days from receipt of said notice to appeal from said action, the appeal to be accompanied by due proof of service of a copy thereof upon the appellee, as required by rule 14. Unless such bureau action is appealed from within thirty days from receipt of said notice, the bureau action shall be deemed to be final to the extent that all payments of divisions of pension in accordance with such bureau action will not, in the absence of fraud or mistake of fact, be disturbed: *Provided*, The unexplained failure of a pensioner to appear, answer, or in any way plead to the claimant's application, after due notice thereof by the bureau, will be deemed a waiver of his right to appeal to the extent that, if the claim be allowed, final orders for division of pension may issue at once.

First, second, and third provisos of act Mar. 3, 1899; proof of service of notice on appellee prerequisite.

RULE XIV.—Appeals from bureau action in cases under the first, second, and third provisos of the act of March 3, 1899, should be accompanied by due proof of service of a copy of the appeal upon the appellee or his or her attorney of record.

Proof of service must be such as will satisfy the Commissioner of Pensions that the appellee has been informed of the appeal and the contents thereof, and may consist of, first, a written acceptance of service by the appellee or his or her attorney of record; or, second, a postal registry return receipt card, signed by appellee or attorney of record, accompanied by an affidavit, showing that on a certain date a copy of the appeal was mailed in a registered letter, postpaid, to the appellee or the attorney of record, addressed to a certain post office (naming it), that the card was returned in acknowledgment of the receipt of such letter; or, third, an affidavit showing that on a certain day and at a certain place a copy of the appeal was personally delivered to the appellee or his or her attorney of record.

Appeals in this class of cases unaccompanied by due proof of service, or a satisfactory reason why personal service can not be made, will not be filed or considered,

but will be promptly returned to the appellant, or his or her attorney of record for compliance with this rule.

RULE XV.—Appeals from Bureau action in cases under the first, second and third provisos of the act of March 3, 1899, when accompanied by due proof of service of a copy thereof upon the appellee, will be filed, and the appellant and appellee promptly notified thereof. The appeal will operate to suspend further payment of the one-half pension in controversy until a decision shall have been rendered therein by the Department, and the appellee will be allowed thirty days from the date of filing the appeal in which to file an answer, brief or argument, in opposition to the appeal or in support of the bureau action appealed from.

During pendency of appeal payment of one-half of pension suspended; limitation as to period for filing answer.

RULE XVI.—Appeals from the Bureau action in cases under the first, second, or third provisos of the act of March 3, 1899, should be confined to cases under that act, and not joined with an appeal from action in an invalid claim or claims under other acts of Congress, and when perfected by due proof of service of a copy of the appeal upon the appellee, as required by rule 14, should be addressed to the Commissioner of Pensions: This appeal should state the post-office address of the appellant and appellee, and the certificate number and the service (company and regiment, etc.) of the pensioner, and should briefly, but specifically, state the error of law or fact complained of and the grounds relied upon for reversing or modifying the bureau action appealed from.

Appeals under act Mar. 3, 1899, not to be joined with appeals under other laws.

No additional evidence upon the merits of the claim should be filed by either appellant or appellee, or considered on appeal.

Evidence.

RULE XVII.—Motions for review of departmental decisions in cases for division of pension under the act of March 3, 1899, should be addressed to the Secretary of the Interior and refer to the docket number of appeal, stating the names of the parties. The motion should briefly, but specifically, state the error of law or of fact in the decision sought to be reversed or modified and clearly indicate the grounds relied upon for reversing or modifying the decision, and may be accompanied by brief or argument in support thereof. The motion should be accompanied with due proof of service of a copy of the motion upon the opposite party, or his or her attorney, as indicated in rule 14 of practice.

Review of departmental decisions in cases for division of pension, motions for; to be addressed to Secretary; specifications; proof of service.

Limitation as to filing answer, etc.

The opposite party will be allowed thirty days in which to reply to said motion, if desired, by answer, brief, or argument, and thereupon the motion will be promptly considered by the department, and a copy of the departmental decision or order, on the motion for review, will be duly forwarded to the parties or their attorneys by the Bureau of Pensions.

Suspension of payment only at Department's direction.

No motion for review of a departmental decision under said act shall operate to suspend payment of one-half the pension in controversy unless expressly directed by this department.

Rules XIV and XVI, *supra*, applicable.

The requirements of rules 14 and 16 of practice, as to appeals, are applicable to motions for review under said act.

* * * * *

Date when Rules effective.

The above rules, governing the practice in appealed claims before the department, relating to pensions and bounty lands, shall become effective on and after September 1, 1911, and all rules and orders heretofore promulgated inconsistent with the foregoing are hereby abrogated.

Repeal.

CARMÍ A. THOMPSON,
Assistant Secretary.

AUGUST 15, 1911.

RULES OF PRACTICE BEFORE THE BUREAU OF PENSIONS.

Authority to prosecute claims.

RULE 1. A person appearing of record in the Bureau of Pensions as having complied with the regulations prescribed by the Secretary of the Interior for the recognition of agents or attorneys before the Department of the Interior will be held authorized to prosecute any claim for pension or bounty land, in which the law does not prohibit the payment of an attorney's fee, on filing a power of attorney from the claimant: *Provided, however,* That the Commissioner of Pensions, in his discretion, may recognize such person without compensation in any claim for pension or bounty land heretofore filed, or that may hereafter be filed, in which the law prohibits the payment of such fee.

Transfers of attorneyship.

RULE 2. Transfers of attorneyship will be governed by the following rules:

(a) Transfers of attorneyship must be acknowledged before some officer authorized to administer oaths for general purposes in the presence of two witnesses who must sign their names to the instrument of transfer.

(b) In all transfers of attorneyship a separate slip must be filed for each claim transferred, showing its number, the name of the claimant, the name of the soldier or sailor, the service on which the claim is based, the name and address of the transferee, and an acknowledgment by the transferee of the transfer.

(c) A transfer not general in character, but of a limited number of claims, from one agent, attorney, or firm to another, must be accompanied also by a schedule, alphabetically arranged, showing for each claim the data required on said slips.

(d) A transfer made by the legal representative of a deceased or incompetent agent or attorney must be accompanied by a duly authenticated certificate of an officer of the court having jurisdiction, showing the authority of such representative.

(e) The written consent of the claimant is necessary to entitle a transferee to recognition in an incomplete claim, the transfer of attorneyship in all such cases being subject to protest.

RULE 3.—No agent or attorney shall have power to make a valid assignment of any claim in which he has been recognized, even with the written consent of claimant, unless he is at the time of such assignment and of such consent in good standing before the Bureau of Pensions.

Consent to assignment.

RULE 4.—No power of attorney purporting to be executed by a claimant will be recognized as good and valid unless the same is signed in the presence of two witnesses and acknowledged before an officer duly authorized to administer oaths for general purposes, whose official signature is certified under seal.

Power of attorney; execution.

RULE 5.—No articles of agreement filed under the act of July 4, 1884, will be recognized as valid, and no fee will be paid thereunder, unless the claimant's signature thereto is witnessed by two attesting witnesses and acknowledged before some officer authorized to administer oaths for general purposes, whose official signature is certified under seal.

Fee agreements; pension claims; execution.

The attorney's acceptance of such agreement must also be executed before some officer duly authorized to admin-

ister oaths for general purposes, whose official signature is certified under seal.

Fee agree-
ments; pension
claims, forms, re-
quirements.

RULE 6.—Articles of agreement, to be recognized as valid by the Commissioner of Pensions, must be in duplicate and in the form prescribed by order of July 8, 1884,¹ and have printed upon the reverse: "Notice to Claimant," "This Agreement is permissible under the law, but not compulsory," and a copy of the act of July 4, 1884.

¹ The following is the form of fee agreement prescribed by the Commissioner of Pensions and approved by the Secretary of the Interior July 8, 1884, under the provisions of the act of Congress approved July 4, 1884:

[To be executed in duplicate without additional cost to claimant.]

ARTICLES OF AGREEMENT.

Whereas I, _____, late a _____ in company _____ of the _____ Regiment of _____ Volunteers, war of _____, 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 agent, _____, of _____, a fee of _____ dollars, which shall include all amounts to be paid for any services in the furtherance of said claim; and said fee shall not be demanded by or payable to my said agent, in whole or in part, except in case of the granting of my pension by the Commissioner of Pensions; and that the same shall be paid to _____, in accordance with the provisions of sections 4768 and 4769 of the Revised Statutes United States.

[Signature of claimant.]

[Post-office address.]

[Signatures of two witnesses.]

STATE OF _____, County of _____, ss:

Be it known that on this _____ day of _____, A. D. 1—, 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.

[L. S.]

[Official signature.]

And now, to wit, this _____ day of _____, A. D. 1—, _____ accept the provisions contained in the foregoing articles of agreement, and will, to the best of _____ ability, endeavor faithfully to represent the interest of the claimant in the premises. _____ hereby certify that _____ have received from the claimant above named the sum of _____ dollars, and no more; _____ dollars being for fee, and the sum of _____ dollars being for postage and other expenses. And that these agreements have been executed in duplicate, without additional cost to the claimant, as required by law, in excess of the fee above named, the said agent making no charge therefor.

Witness _____ hand the year and day above written.

[Signature of agent.]

STATE OF _____, County of _____, ss:

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

[L. S.]

[Official signature.]

Approved for _____ dollars, and payable to _____, of _____, the recognized attorney.

Commissioner of Pensions.



RULE 7.—When a claim for bounty land has been allowed and the warrant issued, one approved copy of the articles of agreement will be forwarded to the agent or attorney of record and the other preserved in the files of the claim. The bounty-land warrant will be forwarded direct to the party entitled to the possession thereof.

Fee agreements; bounty-land claims.

RULE 8.—An agent or attorney may request and receive from a claimant a sum not exceeding fifty cents for postage in the prosecution of any one claim, original or increase, but compliance with such request of the agent or attorney is optional with the claimant.

Postage.

Agents and attorneys are not allowed to demand a sum for postage as a right, or to refuse to prosecute a claim where the request for postage is not complied with.

RULE 9.—When in the adjudication of any claim for pension or bounty land in which articles of agreement have been or may hereafter be filed, it shall appear that the claimant, prior to the execution thereof, had paid to the agent or attorney any money for fee, postage (other than as allowed by rule 8), or expenses in connection with the prosecution of the claim, and the amount so paid is not stated in the acceptance of agreement by the agent or attorney, then every such claim shall be adjudicated as if the articles of agreement contained no stipulation as to a fee, and from the fee of ten dollars allowed by law such sums as are shown to have been paid to the agent or attorney shall be deducted.

Fee agreements; attorney to stipulate amounts received.

RULE 10.—No power of attorney or articles of agreement will be accepted as valid wherein the claimant's acknowledgment is taken before an officer who is the agent or attorney named therein, or where the agent or attorney acts as one of the attesting witnesses to claimant's signature to such instrument.

Attorney not to act as notary, etc., or attesting witness.

A declaration, affidavit, or any paper, requiring execution, or acknowledgment, in connection with a claim for pension, or bounty land, must be executed or acknowledged before an officer duly authorized to administer oaths for general purposes, who is not interested in the prosecution of the claim to which said paper pertains, and the jurat must so show.

An agent or attorney who shall file any paper containing in the jurat a false statement that the officer before whom such paper was executed, or acknowledged, is not interested in the prosecution of the claim, or any state-

ment equivalent thereto, when in truth and in fact, such agent or attorney has entered into a contract, agreement, or understanding, with such officer, by virtue of which said officer is to receive compensation, or a commission, from such agent or attorney, in the event of the allowance of the claim, will subject himself to suspension or disbarment from practice before the Bureau of Pensions.

Limitation;
date of filing.

RULE 11.—All articles of agreement in claims for pension or bounty land that conform to the requirements of the law and regulations will be accepted if filed prior to the date of the issue of the certificate or of the bounty-land warrant.

Limitation;
title to fees.

RULE 12.—No request of an agent or attorney for consideration of his title to a fee will be entertained unless the same is filed in the Bureau of Pensions within three years from the date of issue of the certificate upon which such fee is claimed.

Disbarment;
effect on pay-
ment of fee.

RULE 13.—If an agent or attorney is disbarred pending the adjudication of a claim, and if, while such disbarment is in force, the claim is adjudicated and the certificate issued without certification of a fee by reason of such disbarment, and if thereafter said agent or attorney is restored to practice, and if claimant has not, by reason of such disbarment, canceled or revoked the authority theretofore existing, upon such restoration as aforesaid the lawful fee will be certified and paid to such agent or attorney.

Same; estoppel.

RULE 14.—When a claimant during the disbarment of his agent or attorney of record employs another, who prosecutes the claim to final adjudication, no fee will be certified the disbarred agent or attorney upon his restoration to practice, but his disbarment will operate by way of estoppel to bar any claim for fee.

No fee to guard-
ians.

RULE 15.—No fee will be allowed to a guardian who prosecutes the claim of his ward, nor to a firm of attorneys of which the guardian is a member.

Failure to fur-
nish evidence;
estopped.

RULE 16.—When an agent or attorney is called upon by the Commissioner of Pensions to furnish evidence in any claim, he will be allowed ninety days within which to furnish same or to give reasons why he fails to do so: *Provided always*, That before such agent or attorney is dropped or another recognized, at any time within one year, he shall be given thirty days' notice to show cause why he is not guilty of laches. In the event that such

answer be not filed within thirty days from the mailing of such notice, or that the answer thereto be held by the Commissioner of Pensions to be insufficient, claimant shall be notified of such failure and may file the same, either by himself or by such other attorney as he may elect; and upon the recognition of such other attorney, the former agent or attorney will be estopped from claiming any fee.

RULE 17.—To call up a case will not be held of itself a substantial compliance with any specific requirement of the Commissioner of Pensions. Call slips.

RULE 18.—An agent or attorney will be required to exercise due diligence in all cases in which he is recognized. Neglect to prosecute a claim for one year will be held, in default of cause shown, conclusive evidence of the abandonment of a claim by the agent or attorney, and claimant will be so advised. Effect of neglect.

RULE 19.—Upon the rejection of a claim for pension or bounty land the agent or attorney of record will be notified of such rejection and the reason therefor, and will be allowed ninety days from the date of such notice within which to file a motion for reconsideration, supported by material evidence, or within which to enter an appeal to the Secretary of the Interior; and on his failure to do either he will be held to have abandoned the case, and the claimant may employ any other duly qualified agent or attorney further to prosecute the claim. Rejection; reconsideration; appeal.

RULE 20.—No claim pending in the Bureau of Pensions will be considered out of its regular order upon the request of an agent or attorney, or any other person whomsoever, except for good cause shown and upon the order of the Commissioner of Pensions. Order of consideration of claims.

RULE 21.—Every agent, attorney, or other person recognized by the Department of the Interior as entitled to practice before the Bureau of Pensions, shall submit to the Commissioner of Pensions copies of all proposed advertising matter framed and intended to solicit business before the Bureau of Pensions, and if the same be not disapproved by the Commissioner of Pensions and the agent or attorney so notified within ten days from the date of filing them, they will be held, prima facie, approved. Circular letters, etc., to be approved by Commissioner before use.

Advertising matter may contain clear, correct, and explicit statements of the law, the name and address of

the attorney, and the information that he prosecutes claims for pension and bounty land.

The use by an agent or attorney of the characters "U. S.," or the words, "United States," as a part of his title or of the title of his business is misleading and will not be permitted.

Increase claims not in prohibited class.

RULE 22.—A claim for increase of pension will not be considered or held as a claim pending within the prohibition of Section 190, Revised Statutes of the United States.

Solicitation of services of U. S. officers in aid of prosecution of claims, prohibited.

RULE 23.—Every agent, attorney, or other person, who shall, directly or indirectly, request of any member of either House of Congress, or of any United States Government official or representative (other than one whose duty it is under the law to supervise and administer the laws, rules and regulations governing the granting of pensions and bounty land) aid or assistance in the prosecution of a pension or bounty-land claim, or who shall, directly or indirectly request or advise a claimant to seek such aid in the prosecution of a pension or bounty-land claim, will be held to have abandoned the claim as agent or attorney and will thereby forfeit his agency or attorneyship in such claim.

Penalty for violating above rule.

RULE 24.—Every agent, attorney or other person recognized by the Department of the Interior as entitled to practice before the Bureau of Pensions who shall violate the provisions of Rule 23, above, will be held thereafter incompetent to prosecute claims before said Bureau within the meaning of section 5, of the Act of July 4, 1884, and will thereby subject himself to suspension or disbarment from practice before the Bureau of Pensions.

Itemized accounts of expenses to be filed before demanding or receiving payment.

RULE 25.—Where an agent, attorney, or other person incurs any expense in the prosecution of a claim before the Bureau of Pensions, he must file a sworn itemized account of such expense with the Commissioner of Pensions and secure the approval thereof, before demanding or receiving reimbursement from the claimant or pensioner.

Accrued claims; fee limited.

RULE 26.—In a claim under the act of March 2, 1895, for the accrued pension due in an admitted case from the date of last payment to pensioner's death, the agent or attorney of record is permitted, upon the allowance of the claim, to receive as a fee, direct from the claimant or beneficiary, ten per centum of the amount of the accrued

pension paid; but in no event will such agent or attorney be permitted to demand, receive, or retain a fee in excess of ten dollars in any one claim.

RULE 27.—Where, through a mistake of fact, or fraud on the part of an agent or attorney, a fee to which he is not entitled has been paid to him he will be required to refund the same on demand by the Commissioner of Pensions; and his failure or refusal to refund, after such demand, will render him liable to suspension or disbarment from practice before the Bureau of Pensions.

Attorney must refund fee erroneously paid.

RULE 28.—When in an invalid claim for increase the Commissioner of Pensions issues a call for evidence to show that claimant's disability has increased, as a prerequisite to a medical examination, and no evidence is filed in response to such call within ninety days, or thereafter before there is presented on behalf of claimant another declaration for increase, then the claim in which said call was issued is to be held rejected without ordering a medical examination, unless there was on file in the claim at the time of the issue of said call, medical evidence which has not been considered, tending to show that the claimant's disability had increased.

Increase claims; neglect to furnish evidence called for, effect of.

Any declaration for increase filed within ninety days from date of a call, under a prior declaration, for evidence to show increase of disability, will be held a duplicate of such prior declaration.

RULE 29.—All rules and orders inconsistent with the foregoing are hereby abrogated.

Repeal.

J. L. DAVENPORT,
Commissioner of Pensions.

Approved:

CARMI A. THOMPSON,
Assistant Secretary.

DEPARTMENT OF THE INTERIOR,
July 12, 1911.

REGULATIONS AND INSTRUCTIONS RELATING TO BOUNTY-LAND CLAIMS.

1. *Applications.*—An application for bounty-land warrant may be made by anyone entitled under the law to such a warrant. The party entitled should execute the application personally unless he be legally incompetent, in which event his duly appointed guardian may make the claim. When an application is signed by a guardian

and filed in the Bureau of Pensions, it should be accompanied by a certified copy of the letters of guardianship.

When several minors, or brothers and sisters, are jointly entitled, the application may be made by any one of them in behalf of all, for which authority in proper and legal form, duly witnessed and executed under oath, must be given by the other children, and such authority must be filed in the Bureau of Pensions. The warrant will be issued to all jointly.

Blank forms of application will be furnished claimants upon request therefor. They will not be sent to agents or attorneys in bulk but sample forms will be furnished on application.

2. *Applications and affidavits, execution of.*—All applications for bounty-land warrants, and affidavits filed in support thereof, must be made before a court of record, or some officer of such court having custody of its seal, or before some officer who, under the laws of the United States or of his State, city, or county, has authority to administer oaths for general purposes.

Where an application or affidavit is executed before an officer authorized as above but not required by law to have and use a seal to authenticate his official acts, he shall file in the Bureau of Pensions a certificate of his official character, showing his official signature and term of office, certified by a clerk of a court of record or other proper officer of the State as to the genuineness thereof; and when said certificate has been filed in the Bureau of Pensions his own certificate will be recognized during his term of office.

Applications and other papers of claimants residing in foreign countries may be made before a United States minister or consul or other consular officer, or before some officer of the country duly authorized to administer oaths for general purposes, whose official character and signature shall be duly authenticated by the certificate of a United States minister or consul or other consular officer.

The officer before whom an application or affidavit is executed must certify in his own handwriting as to his knowledge of the credibility of the witnesses. If they sign by mark the signatures must be attested by two witnesses who can write, and the officer must certify that the contents of their depositions or affidavits were read over to them before he administered the oath.

An application for bounty-land executed before an officer who is claimant's attorney is accepted by the Bureau of Pensions as good and valid, but under the practice such magisterial act vacates any rights which may be conferred upon him by the power of attorney therein embodied.

Evidence executed before an officer who is claimant's attorney, or before any person who has a manifest interest therein, will not be considered. It is held by the Secretary of the Interior, however, that evidence so executed, wherein the certificate of such officer contains a clause setting forth that "he is in no wise interested in the claim nor concerned in its prosecution," is good and valid, but the rights such officer may have had in the case are thereby abandoned. All certificates of executing officers should certify that they have no interest in the claim.

It is desirable that affidavits should be free from erasures and interlineations. When an alteration is made in an affidavit, or an addition is made thereto, it must appear by the certificate of the officer who administered the oath that such alteration or addition was made with the knowledge and sworn consent of the affiant.

The official certificates of judicial officers using a seal, or of commissioned officers of the Army or Navy in actual service, will be accepted without being sworn to; all other witnesses must testify under oath.

3. *Evidence, character of.*—Every fact required to be proved should be shown by the best evidence obtainable.

Wherever it is indicated in these regulations and instructions that a fact may be proved by more than one kind of evidence, the classes of evidence are named in the order of their value. Evidence of a lower class will not be accepted unless it be shown that none of a higher class can be obtained. Copies of records should be certified by the officer having custody thereof; and if he has no seal by which to authenticate his signature, the certification should be under oath.

4. *Evidence from prior claims, or records.*—Any evidence already on file in the Bureau of Pensions or in any other office of the Government of the United States may be made available in a claim for bounty-land if a particular and definite description of the matter in which it has already been used be furnished the Bureau of Pensions.

5. *Witnesses.*—Witnesses should not merely confirm the statements of other parties, but should give a detailed statement of the facts known to them in regard to the matter concerning which they testify, and should state how they obtained a knowledge of such facts.

It is desirable that the facts required to be proved in the adjudication of a bounty-land claim should be shown, if possible, by the testimony of persons other than near relatives of the claimant.

Every witness should state his age, whether he has any interest—direct or indirect—in the prosecution of the claim in which he may testify, and should give his post-office address, with street and number, or rural free delivery route, if any. A claimant should promptly notify the Bureau of Pensions of any change of residence during the pendency of his claim.

6. *Service.*—Service, to give title to bounty-land, must have been rendered prior to March 3, 1855, for a period of at least fourteen days, or in a battle; and if in the Regular Army or Navy, must have been in some war in which the United States were engaged.

Where no record evidence of the service for which a bounty-land warrant is claimed exists, parole evidence may be admitted to prove the service performed, but in no case will parole evidence be admitted to vary or discredit the length of any service shown by the rolls.

Where service was rendered by a substitute, he is the person entitled to bounty-land, and not his employer, unless the latter also served the requisite period to give title to bounty-land and then furnished a substitute, in which event—if both employer and substitute served the length of time required by law—each might be entitled for his respective term of actual service.

7. *Identity.*—In all cases the identity of the claimant as the person, or the heir of the person, who rendered the service must be shown by the best obtainable evidence.

8. *Evidence in widows' claims.*—Claims by widows must be supported by satisfactory proof of the marriage of the claimant to the soldier on account of whose service her claim is made, of his death, and of her widowhood—that is, that she is unmarried—at the time of making application.

Marriage.—The marriage of the claimant to the person on account of whose service and death the application is made should be shown—

(a) By a duly verified copy of a public or church record; or

(b) By the affidavit of the clergyman or magistrate who officiated; or

(c) By the testimony of two or more eyewitnesses to the ceremony; or

(d) By a duly verified copy of the church record of baptism of the children; or

(e) By the testimony of two or more witnesses who know that the parties lived together as husband and wife, and were recognized as such, and who shall state how long, within their knowledge, such cohabitation continued.

The widowhood of the claimant at the time of making application must be shown by the testimony of credible witnesses who have personal knowledge of the fact.

9. *Evidence in minors' claims.*—In addition to the proof required in widows' claims, applications in behalf of minors must be supported by proof that they are the legitimate children of the person on account of whose service the claim is made, that the widow is dead, and that they are the only surviving children of such person who were under the age of twenty-one years on March 3, 1855, or were born subsequent to that date.¹

To establish the legitimacy of the children, the marriage of the mother to their father and the births of such children must be proved.

The dates of birth of children should be proved—

(a) By a duly verified copy of the public record of births, or the church record of baptisms; or

(b) By the affidavit of the physician who attended the mother; or

(c) By the testimony of persons who were present at the births, who should state how they are now able to fix the precise dates.

10. *Evidence in claims of fathers, mothers, brothers, and sisters.*—In a claim by a father, mother, or brothers and sisters, the relationship to the person on account of whose service the claim is made must be clearly established, and the death of all persons who would, under the law, have a prior title to the bounty-land, must be proved.

11. *Evidence to complete claims of deceased persons.*—In completing the claim of a deceased person leaving no

¹ Ruling of Commissioner of Pensions as to birth subsequent to March 3, 1855.

successor to whom the title would descend under the bounty-land laws, the legal representatives must furnish proof of the death of the claimant; and if he died intestate, proof of heirship will be required, which proof must show the name, age, and post-office address of each of his heirs at law, and their relationship to the deceased; and where a will is left a duly certified copy of it, with letters of probate, must be presented; and in either case full authority must be given by the heirs or devisees, if adults, or by their guardians, if minors, for the delivery of the warrant to some designated person. If an executor has been designated by will, the claim should be completed by him. If there be no executor, a duly appointed administrator of the estate of the deceased may be recognized to complete the claim.

12. *Duplicate warrants, rules governing the issue of.*—First. Whenever a warrant has failed to reach the hands of the party entitled to receive it and to whom it was sent, or has been lost or destroyed after having been received, in order to prevent the issuing of a patent to a fraudulent holder of the same the actual owner must at once file in the General Land Office a caveat in the form of an affidavit, duly authenticated, setting forth the nature of his title to the warrant and the particulars as to its loss or destruction, and giving his post-office address; and these facts must be established by satisfactory evidence filed in the Bureau of Pensions.

Second. He must give public notice of the facts in the case at least once a week for six successive weeks in some newspaper of general circulation published at or nearest the place to which the warrant was directed, or where the loss occurred. In such publication (a copy of which must be furnished to the Bureau of Pensions with the affidavit of the publisher as to its due appearance) the intention must also be expressed of applying to the Commissioner of Pensions for a reissue of the lost warrant, which must be minutely described.¹

Third. The filing of the caveat in the General Land Office and the advertisement of the loss being only preliminary steps toward the observance of the regulations,

¹ FORM OF ADVERTISEMENT OF LOST WARRANT.

Notice is hereby given that I, _____, am the legal owner of bounty-land warrant No. _____, for _____ acres, issued under the act of _____, in the name of _____, and that said warrant having been lost (or destroyed), I intend to make (or have made) application to the Commissioner of Pensions for a duplicate.

the owner of the lost warrant must file in the Bureau of Pensions, as soon after the discovery of the loss as practicable, his declaration, under oath, duly authenticated, setting forth fully and distinctly the time, place, and circumstances of the loss, and that he never sold, assigned, nor voluntarily parted with his right to the warrant in question.

Fourth. In cases where a reissue of a warrant is sought on the ground of the nonreception of the original warrant, the agent or person to whom it was sent must unite with the warrantee or make a separate affidavit as to its nonreception.

Fifth. If the applicant for the reissue is not the person to whom the warrant was issued, but claims to be the owner thereof by purchase for a valuable consideration, he must give the name and residence of the warrantee, the name and residence of the person of whom he bought it, and, as far as he may know or can ascertain, the names and residences of each of the several parties through whom the title of the warrant descended to him from the warrantee, and adduce satisfactory evidence in proof of each and all his statements in reference thereto.

Sixth. The identity of the applicant must be satisfactorily established, and the credibility of each and every affiant must be duly certified by the magistrate administering the oaths, and his official character and signature must be duly authenticated as hereinbefore indicated. No warrant will be reissued under these regulations until after the expiration of three months from the date of the filing of the petition in the Bureau of Pensions, and not then if it shall appear that the original warrant is in existence.

The foregoing regulations will be strictly enforced in every instance.

13. *Inquiries and additional evidence.*—All inquiries addressed to the Bureau of Pensions and all additional evidence filed therein should contain a description of the particular claim concerning which the inquiry may be made or in which the additional evidence is to be used, viz.: the number of the claim, the name, residence, and post-office address of the claimant, and the name of the person on account of whose services the claim is made together with his company, regiment, and the State from which he enlisted.

14. *Records, information from.*—Information will not be furnished from the records relative to service in cases where a title to bounty-land is supposed to exist. The law will be explained, upon inquiry, but no opinion can be given as to title of individuals to bounty-land until their claims are properly before the Bureau of Pensions.

Parties in making application for bounty-land warrants should state as fully as possible all the facts known to them relative to the service of the person through whom the claimant derives title, giving the personal description of such person and his places of residence at the time of service and since; the Bureau of Pensions will then apply any evidence found in any Department of the Government of the United States to the settlement of the claim.

15. *Originals or copies of papers.*—All papers or exhibits filed as evidence in a bounty-land claim become a part of the record. Neither the original nor a copy, duly certified, of any essential paper, except a certificate of discharge from the military or naval service of the United States, filed in a claim before the Bureau of Pensions, will be furnished except upon the call of a court or a department wherein the same is to be used as evidence; and if for use in a court upon the following conditions:

The Bureau of Pensions should be advised of the nature of the suit, the name of the parties thereto, and in what court the action is pending.

The party who desires to use the certified copy or copies should state what he expects to prove by the same, and make oath in due form that this evidence is material to his cause; that the object of its use can not be attained by the substitution of any other evidence; that without it he may suffer irreparable injury, and that the United States are not involved as parties to the action nor interested in the result thereof.

With such affidavit he should file a request from the judge of the court in which the action is pending for the production of the certified copy or copies.

The papers of which copies are desired should be clearly specified, and the name of the person on whose service the claim was based, the designation of the organization in which he served, and, if possible, the number of the claim or of the bounty-land warrant should be stated, in order that the case may be identified and unnecessary delay avoided.

16. *Discharge certificates, copies of.*—Certified copies of original discharge certificates on file in the Bureau of Pensions will be furnished upon the application of the person to whom the same was issued, or to his widow or descendants. Such an application should be made in the form of an affidavit setting forth a full description of the person to whom the certificate of discharge was issued, viz., his age at time of enlistment, his occupation, birth-place, height, color of hair, eyes, and complexion; and giving the date and place of his enlistment or muster into the service, and the date and place of discharge.

17. *Assignment and location of warrants.*—Inquiries relative to the assignment and location of bounty-land warrants should be addressed to the Commissioner of the General Land Office, Washington, D. C.

18. *Soldiers' and sailors' homestead rights.*—All communications in regard to the homestead rights granted by law to the officers, soldiers, seamen, and marines, who served during the civil war, the war with Spain, or in the Philippine insurrection, should be addressed to the Commissioner of the General Land Office, Washington, D. C.

19. *Bounty in money.*—Communications relative to back pay, extra pay, and bounty in money, for army service, should be addressed to the Auditor for the War Department, Treasury Department, Washington, D. C.; and for extra pay, prize money, etc., for naval service, to the Auditor for the Navy Department, Treasury Department, Washington, D. C.

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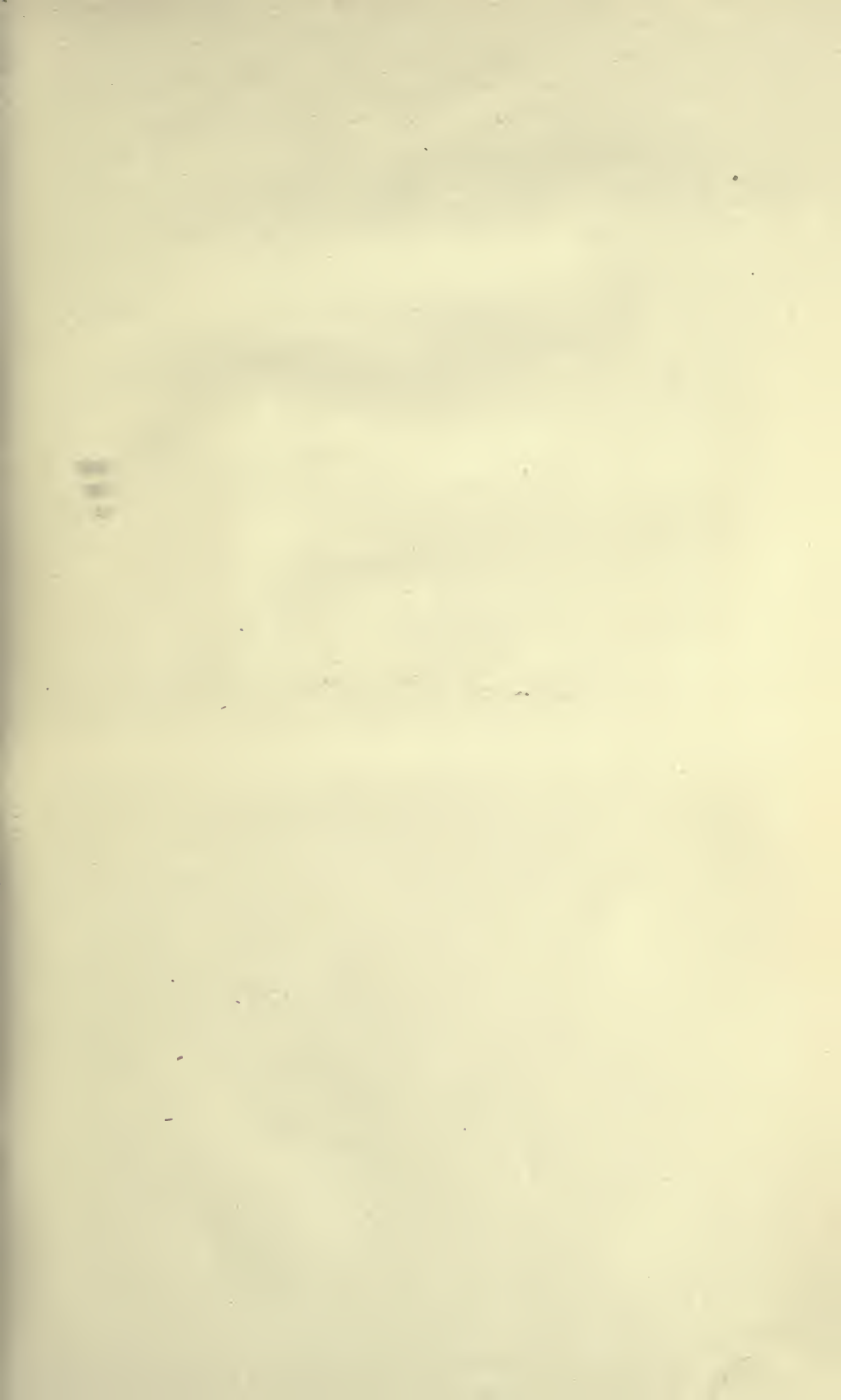
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