

364c. Fees of attorneys for prosecuting claims under Act of 1926; penalty.—No claim agent, attorney, or other person shall contract for, demand, receive, or retain a fee for service in preparing, presenting, or prosecuting claims for the increase of pension provided for in sections 364 to 364b of this title, and no more than the sum of \$10 shall be allowed for such service in other claims thereunder, which sum shall be payable only on the order of the Commissioner of Pensions; and any person who shall, directly or indirectly, otherwise contract for, demand, receive, or retain a fee for service in preparing, presenting, or prosecuting any claim under said sections, or shall wrongfully withhold from the pensioner or claimant the whole or any part of the pension allowed or due to such pensioner or claimant under said sections, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall, for each and every offense, be fined not exceeding \$500 or be imprisoned not exceeding one year, or both, in the discretion of the court. (May 1, 1926, c. 209, § 6, 44 Stat. 384.)

For title of Act see note to § 364.

364f. Acts affected.—All Acts and parts of Acts in conflict with or inconsistent with the provisions of sections 364 to 364e of this title, are hereby modified and amended only so far and to the extent as therein specifically provided and stated. (May 1, 1926, c. 209, § 7, 44 Stat. 381.)

For title of Act see note to § 364.

Chapter 7A.—WAR WITH SPAIN, PHILIPPINE INSURRECTION, AND CHINESE RELIEF EXPEDITION; PENSIONS AND INCREASES TO VETERANS AND NURSES AS OF JUNE 2, 1930.

Section 365. Pensions to disabled veterans and nurses as of June 2, 1930; authorization; period of service; rate; age.—All persons who served ninety days or more in the military or naval service of the United States during the war with Spain, the Philippine insurrection, or the China relief expedition, and who have been honorably discharged therefrom, or who, having served less than ninety days, were discharged for disability incurred in the service in line of duty, and who are now or who may hereafter be suffering from any mental or physical disability or disabilities of a permanent character which so incapacitates them for the performance of manual labor as to render them unable to earn a support, shall, upon making due proof of the fact, according to such rules and regulations as the Secretary of the Interior may provide, be placed upon the list of invalid pensions of the United States and be entitled to receive a pension not exceeding \$60 a month and not less than \$20 a month, proportioned to the degree of inability to earn a support, and in determining such inability each and every infirmity shall be duly considered and the aggregate of the disabilities shown shall be rated. These rates to be fixed as follows: \$20 a month for one-tenth disability; \$25 a month for one-fourth disability; \$35 a month for one-half disability; \$50 a month for three-fourths disability; and \$60 a month for total: *Provided*, That any such person who has reached the age of sixty-two years shall, upon making proof of such fact, be placed upon the pension roll and entitled to receive a pension of \$30 a month; in case such person has reached the age of sixty-eight years, \$40 a month; in case such person has reached the age of seventy-two years, \$50 a month; and in case such person has reached the age of seventy-five years, \$60 a month: *Provided further*, That all leaves of absence and furloughs under General Orders, Numbered 130, August 29, 1898, War Department, shall be included in determining the period of pensionable service: *Provided further*, That the provisions, limitations, and benefits of this section are extended to and shall include any woman who served honorably as a nurse, chief nurse, or superintendent of the Nurse Corps under contract for ninety

days or more between April 21, 1898, and February 2, 1901, inclusive, and to any such nurse, regardless of length of service, who was released from service before the expiration of the ninety days because of disability contracted by her while in the service in line of duty. (June 2, 1930, c. 375, § 1, 46 Stat. 492.)

The Act cited to the text was entitled "An Act granting pensions and increase of pensions to certain soldiers, sailors, and nurses of the war with Spain, the Philippine insurrection, or the China relief expedition, and for other purposes."

365a. Same; helpless and blind veterans and nurses; rate when attendant required.—Any soldier, sailor, or marine or nurse now on the pension roll or who may be hereafter entitled to a pension under sections 351, 352, 358, 360 and 362 of this title, or under chapter 7 or this chapter on account of his service during the war with Spain, the Philippine insurrection, or China relief expedition, who is now or hereafter may become, on account of age or physical or mental disabilities, helpless or blind, or so nearly helpless or blind as to need or require the regular aid and attendance of another person, shall be given a rate of \$72 a month: *Provided*, That no one while an inmate of the United States Soldiers' Home or of any national or State soldiers' home shall be paid more than \$50 per month under this chapter. (June 2, 1930, c. 375, § 2, 46 Stat. 492.)

For title of Act see note to § 365.

365b. Same; pensions for service of seventy days or more; rate.—All persons who served seventy days or more in the military or naval service of the United States during the war with Spain, the Philippine insurrection, or the China relief expedition, and who have been honorably discharged therefrom, and who are now or who may hereafter be suffering from any mental or physical disability or disabilities of a permanent character which so incapacitates them for the performance of manual labor as to render them unable to earn a support, shall, upon making due proof of the fact, according to such rules and regulations as the Secretary of the Interior may provide, be placed upon the list of invalid pensioners of the United States and be entitled to receive a pension not exceeding \$30 a month and not less than \$12 a month, proportioned to the degree of inability to earn a support, and in determining such inability each and every infirmity shall be duly considered and the aggregate of the disabilities shown shall be rated. These rates to be fixed as follows: \$12 a month for one-tenth disability, \$15 a month for one-fourth disability, \$18 a month for one-half disability, \$24 a month for three-fourths disability, and \$30 a month for total: *Provided*, That any person who has reached the age of sixty-two years shall, upon making proof of such fact, be placed upon the pension roll and entitled to receive a pension of \$12 a month; in case such person has reached the age of sixty-eight years, \$18 a month; in case such person has reached the age of seventy-two years, \$24 a month; and in case such person has reached the age of seventy-five years, \$30 a month: *Provided further*, That all leaves of absence and furloughs under General Orders, Numbered 130, War Department, August 29, 1898, shall be included in determining the period of pensionable service: *Provided further*, That the provisions, limitations, and benefits of this section be, and hereby are, extended to and shall include any woman who served honorably as a nurse, chief nurse, or superintendent of the Nurse Corps under contract for seventy days or more between April 21, 1898, and February 2, 1901, inclusive. (June 2, 1930, c. 375, § 3, 46 Stat. 492.)

For title of Act see note to § 365.

365c. Same; helpless and blind veterans and nurses serving seventy days or more; rate when attendant required.—Any soldier, sailor, marine, or nurse who may be entitled to a pen-

sion under section 365b of this title on account of his service during the war with Spain, the Philippine insurrection, or China relief expedition, who may become, on account of age or physical or mental disabilities, helpless or blind, or so nearly helpless or blind as to need or require the regular aid and attendance of another person, shall be given a rate of \$50 a month: *Provided*, That no one while an inmate of the United States Soldiers' Home or of any National or State soldiers' home shall be paid more than \$50 per month under this chapter. (June 2, 1930, c. 375, § 4, 46 Stat. 493.)

For title of Act see note to § 305.

365d. Same; commencement of pension; check as payment in event of death of pensioner.—The pension or increased rate of pension herein provided for shall commence from the date of filing application therefor in the Bureau of Pensions after June 2, 1930, in such form as may be prescribed by the Secretary of the Interior, provided they are entitled to a pension under the provisions of this chapter, and the issue of a check in payment of a pension for which the execution and submission of a voucher was not required shall constitute payment in the event of the death of the pensioner on or after the last day of the period covered by such check, and it shall not be canceled, but shall become an asset of the estate of the deceased pensioner. (June 2, 1930, c. 375, § 5, 46 Stat. 493.)

For title of Act see note to § 305.

365e. Same; effect of chapter on pensioners on Army and Navy Medal of Honor Roll; effect on pensions heretofore granted.—Nothing contained in this chapter shall be held to affect or diminish the additional pension to those on the roll designated as the Army and Navy Medal of Honor Roll, as provided by chapter 9 of this title, but any pension or increase of pension herein provided for shall be in addition thereto, and no pension heretofore granted under any Act, public or private, shall be reduced by anything in this chapter. (June 2, 1930, c. 375, § 6, 46 Stat. 493.)

For title of Act see note to § 305.

365f. Same; fees of attorneys for prosecuting claims; penalty for taking unlawful fees or withholding fees.—No claim agent, attorney, or other person engaged in preparing, presenting, or prosecuting any claim under the provisions of this chapter shall, directly or indirectly, contract for, demand, receive, or retain any fee for such services in preparing, presenting, or prosecuting claims when claimant is already on the pension rolls under sections 364 and 364a to 364f of this title, or any other prior pensions Acts: *Provided* That no claim agent, attorney, or other person engaged in preparing, presenting, or prosecuting any original pension claim under the provisions of this chapter shall, directly or indirectly, contract for, demand, receive, or retain for such services in preparing, presenting, or prosecuting such original pension claim, a sum in excess of \$10, which sum shall be payable upon the order of the Commissioner of Pensions under such rules and regulations as he may deem proper to make; and no claim agent, attorney, or other person shall contract for, demand, receive, or retain a fee for services in preparing, presenting, or prosecuting claims for increase of pension under the provisions of this chapter; and any person who shall, directly or indirectly, otherwise, contract for, demand, or retain a fee for services in preparing, presenting, or prosecuting any claim under this chapter, or shall wrongfully withhold from the pensioner or claimant the whole or any part of the pension allowed or due to such pensioner or claimant under this chapter, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall, for each and every offense, be fined not exceeding \$500 or be imprisoned not exceeding one year, or both, in the discretion of the court. (June 2, 1930, c. 375, § 7, 46 Stat. 493.)

For title of Act see note to § 305.

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365g. Same; effect of chapter on pensions heretofore granted.—Nothing contained in the provisions of this chapter shall be construed to diminish or reduce any pension heretofore granted under chapter 7 of this title. (June 2, 1930, c. 375, § 8, 46 Stat. 494.)

For title of Act see note to § 305.

365h. Same; Acts affected.—All Acts and parts of Acts in conflict with or inconsistent with the provisions of this chapter are hereby modified and amended only so far and to the extent as herein specifically provided and stated. (June 2, 1930, c. 375, § 9, 46 Stat. 494.)

For title of Act see note to § 305.

Chapter 8.—THE INDIAN WARS.

Section 376. Proof of period of service.—The period of service performed by beneficiaries under section 375 of this title shall be determined: First, by reports from the records of the War Department, where there are such records; second, by reports from the records of the General Accounting Office showing payment by the United States, where there is no record of regular enlistment, or muster into the United States military service; and third, when there is no record of service or payment for same in the War Department or the General Accounting Office by satisfactory evidence from muster rolls on file in the several State or Territorial archives; fourth, where no record of service has been made in the War Department or General Accounting Office and there is no muster roll or pay roll on file in the several State or Territorial archives showing service of the applicant, or where the same has been destroyed by fire or otherwise lost, or where there are muster rolls or pay rolls on file in the several State or Territorial archives but the applicant's name does not appear thereon, the applicant may make proof of service by furnishing evidence satisfactory to the Commissioner of Pensions: *Provided*, That the want of a certificate of discharge shall not deprive any applicant of the benefits of section 375 of this title. (As amended May 21, 1920, c. 350, 44 Stat. 614.)

SOLDIERS IN INDIAN WARS FROM 1817 TO 1898

381. Survivors placed upon pension rolls.—Any person who served thirty days or more in any military organization, whether such person was regularly mustered into the service of the United States or not, but whose service was under the authority or by the approval of the United States or any State or Territory in any Indian war or campaign, or in connection with, or in the zone of any active Indian hostilities in any of the States or Territories of the United States from January 1, 1817, to December 31, 1898, inclusive, and who is now or who may hereafter be suffering from any mental or physical disability or disabilities of a permanent character, not the result of his own vicious habits, which so incapacitate him for the performance of manual labor as to render him unable to earn a support, shall, upon making due proof of the fact, according to such rules and regulations as the Secretary of the Interior may provide, be placed upon the pension roll of the United States and be entitled to receive pension not exceeding \$50 per month and not less than \$20 per month, proportionate to the degree of inability to earn a support; and in determining such inability each and every infirmity shall be duly considered and the aggregate of the disabilities shown shall be rated, and such pension shall commence from the date of filing of the application in the Bureau of Pensions, after March 3, 1927, upon proof that the disability or disabilities then existed, and shall continue during the existence thereof: *Provided*, That any such person who has reached the age of sixty-two years shall, upon making proof of such fact, be placed upon the pension roll and entitled to receive a pension of \$20 per month; in case such person has reached the age of sixty-eight years,