

STATUTE I.

April 10, 1806.

CHAP. XXV.—*An Act to provide for persons who were disabled by known wounds received in the Revolutionary war.*

Act of April 25, 1812, ch. 19.

Act of March 18, 1818, ch. 18.

Act of March 3, 1819, ch. 58.

Who are to be placed on the pension list.

Officers, soldiers, marines or seamen who did not desert, or resigned from disabilities which render them incapable to procure a subsistence by manual labour, to be placed on the pension list.

See note to act of April 25, 1812, ch. 59.

Rules and regulations for substantiating claims to a pension.

Evidence.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any commissioned or non-commissioned officer, musician, soldier, marine or seaman, disabled in the actual service of the United States, while in the line of his duty, by known wounds received during the revolutionary war, and who did not desert the service; or who, in consequence of disability as aforesaid, resigned his commission or took a discharge; or who, after incurring disability as aforesaid, was taken captive by the enemy, and remained either in captivity or on parole, until the close of said revolutionary war; or who, in consequence of known wounds received as aforesaid, has at any period since, become and continued disabled in such manner as to render him unable to procure a subsistence by manual labour; whether such officer, musician, soldier, marine or seaman, served as a volunteer, in any proper service against the common enemy, or belonged to a detachment of the militia, which served against the common enemy, or to the regular forces of the United States, or of any particular state, he shall, upon substantiating his claim, in the manner herein after described, be placed on the pension list of the United States, during life, or the continuance of such disability, and be entitled, under the regulations herein after mentioned, to receive such sum as shall be found just and proper, by the testimony adduced.

SEC. 2. *And be it further enacted,* That in substantiating such claim, the following rules and regulations shall be complied with, that is to say: All evidence shall be taken on oath or affirmation, before the judge of the district, or one of the judges of the territory in which such claimant resides, or before some person specially authorized by commission from said judge.

Decisive disability, the effect of a known wound or wounds, received while in the actual service and line of duty against the common enemy, during the revolutionary war, must be proved by the affidavit of the commanding officer of the regiment, corps, company, ship, vessel, or craft, in which such claimant served; or of two other credible witnesses to the same effect, setting forth the time when, and place where, such known wound or wounds were received; and particularly describing the same.

The nature of such disability, and in what degree it prevents the claimant from obtaining his subsistence, must be proved by the affidavit of some reputable physician or surgeon, stating his opinion either from his own knowledge and acquaintance with the claimant, or from an examination of such claimant on oath or affirmation; which when necessary for that purpose, shall be administered to said claimant by said judge or commissioner. And the said physician or surgeon, in his affidavit, shall particularly describe the wound or wounds from whence the disability appears to be derived.

Every claimant must prove, by at least one credible witness, that he continued in service during the whole time for which he was detached, or for which he engaged, unless he was discharged, or left the service in consequence of some derangement of the army, or in consequence of his disability resigned his commission; or was after his disability in captivity or on parole, until the close of the revolutionary war. And in the same manner must prove his mode of life and employment since he left the service, and the place or places where he has since resided, and his place of residence, at the time of taking such testimony.

Every claimant shall, by his affidavit, give satisfactory reasons why he did not make application for a pension before, and that he is not on the pension list of any state; and the judge or commissioner shall certify in writing, his opinion of the credibility of the witnesses, whose affidavits

Terms and conditions.

Affidavit of claimant.

he shall take, in all those cases, where by this act it is said the proof shall be made by a credible witness or witnesses. And also, that the examining physician or surgeon is reputable in his profession.

SEC. 3. *And be it further enacted,* That the said judge of the district, or person by him commissioned as aforesaid, shall transmit a list of such claims, accompanied by the evidence, affidavits, certificates, and proceedings had thereon in pursuance of this act, noting particularly the day on which the testimony was closed before him, to the secretary for the department of war, that the same may be compared with muster rolls, or other documents in his office: and the said secretary shall make a statement of all such cases, which, together with all the testimony, he shall from time to time transmit to Congress, with such remarks as he may think proper, that Congress may be enabled to place such claimants on the pension list as shall be found entitled to the privilege. And it shall be the duty of the judge, or commissioner aforesaid, to permit each claimant to take a transcript of the evidence and proceedings had respecting his claim, if he shall desire it, and to certify the same to be correct.

District judge to transmit list of claims, &c. to the Secretary of War.

Secretary of War to make a statement to Congress.

SEC. 4. *And be it further enacted,* That every pension, or increase thereof, by virtue of this act, shall commence on the day when the claimant shall have completed his testimony, before the authority proper to take the same.

Commencement of pensions.

SEC. 5. *And be it further enacted,* That an increase of pension may be allowed to persons, already placed upon the pension list of the United States, for disabilities caused by known wounds received during the revolutionary war, in all cases where justice shall require the same: *Provided,* that the increase, when added to the pension formerly received, shall in no case exceed a full pension.

Increase of pensions to be allowed in certain cases.

Proviso.

Every invalid making application for this purpose, shall be examined by two reputable physicians or surgeons, to be authorized by commission from the judge of the district, where such invalid resides; who shall report in writing, on oath or affirmation, their opinion of the nature of the applicant's disability, and in what degree it prevents him from obtaining a subsistence by manual labour, which report shall be transmitted by said physicians or surgeons, to the secretary for the department of war; who shall compare the same with the documents in his office, and shall make a statement of all such cases, which, together with the original report, he shall from time to time transmit to Congress, with such remarks as he may think proper, that they may be enabled to do justice to such pensioners.

Invalids to be examined by physicians authorized by the district judge, who are to report, &c.

Report to be sent to the Secretary of War.

SEC. 6. *And be it further enacted,* That a full pension given by this act to a commissioned officer, shall be one half of the monthly pay legally allowed, at the time of incurring said disability, to his grade in the forces raised by the United States; and the proportions, less than a full pension, shall be the correspondent proportions of said half pay; and a full pension to a non-commissioned officer, musician, soldier, marine, or seaman, shall be five dollars a month, and the proportions less than a full pension, shall be the like proportions of five dollars a month; but no pension of a commissioned officer shall be calculated at a higher rate than the half pay of a lieutenant colonel.

Of what sums the pensions are to consist.

SEC. 7. *And be it further enacted,* That the pensions, or increase thereof, which may be allowed by this act, shall be paid in the same manner as pensions to invalids, who have been heretofore placed on the pension list, are now paid, and under such restrictions and regulations, in all respects, as are prescribed by law.

How pensions, &c. are to be paid.

SEC. 8. *And be it further enacted,* That from and after the passage of this act, no sale, transfer, or mortgage of the whole or any part of the pension, payable to any non-commissioned officer, musician, soldier, marine, or seaman, before the same becomes due, shall be valid. And

Transfers of pensions before due, not valid.

Claimants of pensions under powers of attorney, to take an oath that they have not been sold or transferred.

Former laws respecting pensions under disabilities from the war, repealed.

Proviso.

Duration of this act.

Proviso.

every person claiming such pension or any part thereof, under power of attorney or substitution, shall, before the same is paid, make oath or affirmation, before some magistrate, legally authorized to take the same, a copy of which, attested by said magistrate, shall be lodged with the person who pays said pension; that such power or substitution is not given by reason of any transfer of such pension, or part thereof. And any person who shall swear or affirm falsely in the premises, and be thereof convicted, shall suffer as for wilful and corrupt perjury.

SEC. 9. *And be it further enacted*, That all laws of the United States heretofore passed, so far as they authorize persons to be placed on the pension list of the United States, for, and in consequence of, disabilities derived from known wounds received in the revolutionary war, shall be, and they are hereby repealed: *Provided*, that nothing in this repealing clause shall injure, or in any way affect those persons already upon the pension list of the United States; and that the secretary for the department of war shall proceed upon the testimony which has been transmitted to him by any claimant, before the passage of this act, in the same manner as though this act had never passed.

SEC. 10. *And be it further enacted*, That this act, so far as it authorizes the admission of persons upon the pension list of the United States, shall remain in force for and during the space of six years from the passage thereof, and no longer: *Provided*, that this limitation shall not affect or impair the right of any invalid who may have completed his testimony in the manner prescribed by this act before this limitation commences its operation, but which has not been transmitted to the secretary for the department of war.

APPROVED, April 10, 1806.

STATUTE I.

April 15, 1806.

Act of March 21, 1808, ch. 37.

Act of Dec. 19, 1809, ch. 3.

Secretary of War authorized to issue land warrants.

Within what time those warrants may be located.

Surveyor-general to cause surveys to be made of the quarter townships.

CHAP. XXVI.—*An Act to authorize the Secretary of War to issue land warrants; and for other purposes.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of War be authorized to issue military land warrants, to such persons as have or shall, before the first day of March, one thousand eight hundred and eight, produce to him satisfactory evidence of the validity of their claims; which warrants, with those heretofore issued, and not yet satisfied, shall, and may be located in the names of the holders or proprietors thereof, at any time prior to the first day of October, one thousand eight hundred and eight, on any unlocated parts of the fifty quarter townships, and the fractional quarter townships, reserved by law, for original holders of military land warrants.

SEC. 2. *And be it further enacted*, That it shall be the duty of the surveyor-general, under the direction of the Secretary of the Treasury, to cause to be surveyed so much of the fifty quarter townships, and the fractional quarter townships aforesaid, as have been, or hereafter may be located according to law, in conformity with the locations made on the plats of the said quarter townships: *Provided*, the whole expense of surveying the same shall not exceed three dollars for every mile actually surveyed.

APPROVED, April 15, 1806.

STATUTE I.

April 15, 1806.

CHAP. XXVIII.—*An Act to suspend the sale of certain lands in the state of Ohio, and the Indiana territory.*(a)

Operation of the sixth condi-

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the operation of the

(a) See note to act of May 18, 1796, chap. 30, vol. i. 464.