

locating, and developing the mineral resources thereof: *And provided further*, That the Secretary of the Interior may, when in his judgment the public interest would be best served thereby, restore to settlement, location, sale, or entry any of the lands hereby withdrawn therefrom.

Withdrawals.

Approved, March 3, 1927.

CHAP. 319.—An Act Granting a right of way to the county of Imperial, State of California, over certain public lands for highway purposes.

March 3, 1927.
[H. R. 11487.]
[Public, No. 722.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he hereby is, authorized, in his discretion, to grant to the county of Imperial, State of California, for public-highway purposes, all the right, title, and interest of the United States of America in and to all or any of the following-described parcels of land situated in the county of Imperial, State of California, to wit:

Public lands,
Imperial County,
Calif., granted, for public highway.

A strip of land one hundred feet wide lying fifty feet on each side of the following-described center line: Beginning at the southeast corner of the northeast quarter of section 18, township 12 south, range 12 east, San Bernardino base and meridian; thence west along the line between the north half and the south half of said section 18 to the west line of said section.

Description.

Also a strip of land fifty feet wide adjoining and lying along the south side of the following-described line: Beginning at the southeast corner of the northeast quarter of section 14, township 12 south, range 12 east, San Bernardino base and meridian; thence west along the line between the north half and the south half of said section 14 to the west line of said section.

Also a strip of land one hundred feet wide lying fifty feet on each side of the following-described center line: Beginning at the southeast corner of the northwest quarter of section 14, township 12 south, range 11 east, San Bernardino base and meridian; thence west along the line between the north half and the south half of said section 14 to the west line of said section: *Provided*, That the Secretary of the Interior be, and he hereby is, authorized, as a condition precedent to the granting of said parcels of land for the purposes herein specified, to prescribe such conditions, to impose such limitations and reservations and to require such bonds or undertakings as he may deem necessary in order to protect valid existing rights in and to said lands, including reclamation and public water reserve purposes.

Proviso.
Protection of existing rights, etc.

Approved, March 3, 1927.

CHAP. 320.—An Act Granting pensions to certain soldiers who served in the Indian wars from 1817 to 1898, and for other purposes.

March 3, 1927.
[H. R. 12532.]
[Public, No. 723.]

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

Pensions.
Allowed for 30 days service in Indian wars from 1839 to 1898, and now disabled.

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 the passage of this Act, 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, \$30 per month; in case such person has reached the age of seventy-two years, \$40 per month; and in case such person has reached the age of seventy-five years, \$50 per month.

Rating for disability.

Proviso.
Age pension.

Widows pension.
Rate for service of husband.

Allowance for children.

To child if no widow entitled.

Provisos.
Helpless, insane, etc., minor child.

Marriages prior to March 4, 1917.

Remarried widows.

Renewal restricted if pension accrued to child, when dropped by remarriage.

SEC. 2. If any person who rendered service as described in section 1 of this Act or who died in service irrespective of length of service, has since died, or shall hereafter die, leaving a widow, or minor children under the age of sixteen years, such widow shall, upon due proof of her husband's death, without proving his death to be the result of his military service, be placed on the pension roll from the date of filing the application therefor under this Act, at the rate of \$30 per month during her widowhood, and shall also be paid \$6 per month for each child of such person under sixteen years of age, and in case there be no widow, or one not entitled to pension, and in the event of the death, remarriage, or forfeiture of title of the widow, the child or children under sixteen years of age of the soldier shall be paid such pension until the age of sixteen years, said pension, if there be no widow entitled, to commence from the date of filing application therefor after the passage of this Act, and in the event of the death, remarriage, or forfeiture of title by the widow the pension to continue to the minor children from the date of such death, remarriage, or forfeiture of title: *Provided*, That in case a minor child is insane, idiotic, or otherwise permanently helpless, the pension shall continue during the life of said child, or during the period of such disability, and such pension shall commence from the date of filing application therefor after the passage of this Act: *Provided further*, That said widow shall have married said soldier prior to March 4, 1917, and this section shall apply to a former widow of any soldier who rendered service as hereinbefore described, such widow having remarried either once or more after the death of the soldier, if it be shown that such subsequent or successive marriage has or have been dissolved, either by the death of the husband or husbands or by divorce without fault on the part of the wife. Such pension shall commence from date of filing application therefor in the Bureau of Pensions after the passage of this Act, and any such former widow shall be entitled to and be paid a pension at the rate of \$30 a month, and any former widow mentioned in this section shall also be paid \$6 a month for each child of the soldier under sixteen years of age: *Provided further*, That in case of any widow whose name has been dropped from the pension roll because of her remarriage, if the pension has been granted to an insane, idiotic, or otherwise helpless child, or to a child or children under the age of sixteen years, she shall not be

entitled to a renewal of pension under any Act until the pension to such child or children terminates, unless such child or children be a member or members of her family and cared for by her, and upon renewal of pension to such widow payment of pension to such child or children shall cease.

SEC. 3. The period of service performed by beneficiaries under this Act 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 States 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 this Act.

SEC. 4. From and after the fourth day of the next month after the approval of this Act the rate of pension to surviving soldiers of the various Indian wars and campaigns who are now on the pension roll or who may hereafter be placed thereon under the Acts of July 27, 1892, June 27, 1902, and May 30, 1908, as amended by the Act of February 19, 1913, or under the Act of March 4, 1917, shall be \$30 per month if sixty-eight years of age, \$40 per month if seventy-two years of age, and \$50 per month if seventy-five years of age, and that the rate of pension to the widows who are now on the pension roll or who may hereafter be placed thereon under the said Acts shall be \$30 per month: *Provided, however*, That nothing in this Act shall be so construed as to reduce any pension under any law, public or private, and that hereafter pensions granted under the Acts referred to in this section shall commence from the date of filing of application therefor in the Bureau of Pensions.

SEC. 5. 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 this Act; 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 this Act, or shall wrongfully withhold from the pensioner or claimant the whole or any part of the pension allowed or due to such pensioner or claimant under this Act, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall for each and every offense be fined not exceeding \$500 or be imprisoned not exceeding one year, or both, in the discretion of the court.

Approved, March 3, 1927.

Child's pension to cease.

Determination of service.
War Department records.
General Accounting Office.

State or Territorial records.

Admission of evidence satisfactory to Commissioner if no muster rolls, etc.

Proviso.
Certificate of discharge not essential.

Service pensions to survivors.

Vol. 27, p. 281.
Vol. 37, p. 679; Vol. 39, p. 1199.

Rate to widow pensioners.

Proviso.
No present pension reduced.

No fee allowed for increase claims.

Limitation in other claims.

Punishment for violations.