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DEPENDENT PARENTS AND HONORABLY-DISCHARGED
SOLDIERS AND SAILORS NOW DISABLED AND DEPEND-
ENT UPON THEIR OWN LABOR FOR SUPPORT.

FEBRUARY 19, 1887.—Consideration postponed to Thursday, February 24, 1887, and
ordered to be printed.

Mr. MATSON, from the Committee on Invalid Pensions, submitted the
following

REPORT:

[To accompany bill H. R. 10457 and H. Ex. Doc. 158.]

The Committee on Invalid Pensions, to whom were submitted the bill (H. R. 10457) for the relief of dependent parents and honorably-discharged soldiers and sailors, who are now disabled and dependent upon their own labor for support, and the message of the President, stating his objections thereto, having had said bill and accompanying message under consideration, respectfully submit the following:

Two facts will arrest the attention of any one who reads the message under consideration. The first is, that no objection is made to the bill on any ground of its constitutionality. The right of Congress to enact the law is not questioned; all the questions raised are questions of mere expediency. The other is, that the first section of the bill is not touched upon by the message, and no intimation is given by the President as to whether that section of itself alone, embodying as it does an independent proposition, and in the precise form specifically urged by the Secretary of the Interior in his last annual report, meets with his approval or disapproval.

The message is devoted wholly to the second section of the bill, and this report is intended to meet the objections the President has seen fit to urge against that.

The subject-matters embraced in the second section have, since the earliest days of this Congress, received the earnest and continued attention of this committee, and a brief history of what has been done may not be altogether uninteresting, and, indeed, seems to be made necessary, in order that a more thorough understanding of the facts may be had.

The bill appears to have been introduced by the writer of this report, and was so introduced on the 10th of January, 1887. Months before that time, however, except as to the fourth section of said bill, the bill had been agreed upon by this committee after long, careful, and exhaustive deliberation, and the committee had directed that any privilege belonging to it as a committee should not be allowed to escape without an attempt to pass the bill in the House.

When this Congress met a number of important matters of general pension legislation were pressed upon the attention of the committee; some of them, in our judgment, involving the expenditure of more money than is caused by this bill. The arrears proposition was pressed with great force and earnestness; a proposition to equalize bounties, to pension prisoners of war, and a general-service pension bill to pension all

the soldiers of the Union at \$8 per month, besides many others of less magnitude, but each having its especial champions, who were continuously contending for precedence before your committee. The conclusion was that the really indigent soldiers were first of all entitled to some relief, and that relief to them would satisfy, in a measure, the demands for many other kinds of legislation; and with this in view, your committee went to work to frame a bill upon which we could all agree, and which we believed, in that regard, would meet the immediate needs of our ex-soldiers, as well as the approval of the country.

On the 1st day of March, 1886, Mr. Ellsberry, of Ohio, introduced a bill (H. R. 6230) entitled "A bill granting pensions to all invalid soldiers, or their widows, of the United States in the late civil war who are dependent upon their daily labor for support." The first section of this bill, out of deference to the gentleman who was its author, as he had so persistently pressed us to give the subject preference over all other measures, was taken as the frame-work for the bill agreed upon by the committee. It will be ascertained upon examination that the Ellsberry bill provides a pension for a total disability, and also for an "inferior disability an amount proportionate to that," and so when the criticism was first made in relation to the bill now under consideration, that the class of pensions embraced by said bill was not well defined, this committee set about, with some apprehension, to inquire whether there was that vagueness or ambiguity that laid it open to the objections stated.

After the most painstaking, candid, and judicial consideration of the subject, we are compelled to insist that the construction given to it by the committee, as stated upon the floor of the House at the time the bill passed, is the only fair interpretation to be put upon it. It provides but one pension, and that pension is one of \$12 per month, and is given for a "total inability to procure a subsistence by daily labor." There is no provision for any less rate, nor for any less degree of disability than a total inability, and it is further provided that "such pension shall continue during the existence of the disability in the degree herein provided." What degree? There is but the one provided for, and that is a degree of total inability to procure a subsistence by daily labor. The point we wish to emphasize is that but one pension is provided, and that to obtain it a degree of total inability to procure a subsistence by daily labor must be shown, and that it is further expressly stated that the pension shall only continue while that degree of inability continues.

By some strange circumstance this provision of the bill, which fixes the time during which the pension provided for shall continue, and states as aptly as language can state anything that it shall be in "the degree" provided for therein, has escaped the attention of the Executive and other critics referred to by him, who seek to place a construction upon the bill different from that which was clearly intended and which we believe is clearly expressed. All agree that the bill embraces those who have this degree of total inability. The only question at issue is whether it does not embrace more than that class. In the light of the express limitation that is placed by the bill as to the time during which the pension shall continue, we submit with confidence to the discriminating judgment of the House and the country that but one construction can be given it, and that is the one adopted by your committee.

But the President says that "if the bill had been intended to embrace only those who were totally unable to labor, it would have been very easy to express that idea instead of recognizing, as is done, 'a degree' of such inability." This may be true, but the question is not whether the language is the most apt to give expression to an idea, but

rather what is the idea expressed and what is intended by the bill; and in view of the fact that the last words used in the bill, and words which prescribe the right to a pension to exist only in one class who have "the degree" of disability provided for, entirely excludes the construction sought to be given by the President that more than one class would be included.

These words are used in prescribing the right to a pension under the bill, and are not mere words of description. Taken altogether, and not so delicately analyzed that the refinement of a chemical experiment is exceeded in an effort to do away with the plain provisions of the bill, we again submit to the judgment of the House and the country that those who framed the bill, after months of careful, deliberate consultation, have made no mistake, and have embraced but one class, and that class can be well described as those "totally unable to labor" and "who are dependent upon their daily labor for support."

But it is asked what is a support, and how is it to be fairly determined? The answer to that is that this very question for twenty-five years has been adjudicated by the Pension Office, and in perhaps more than ten thousand cases. Whenever a claim has been made by a dependent father, one of the material inquiries was, was the claimant himself, at the time of the death of the soldier, happening in some cases many years before, then able to earn his support by daily labor? Under this bill the inquiry will be one that will relate only to the date of the filing of the application, and for that reason can be the more easily adjudicated. If the Pension Office cannot adjudicate that question, the whole business of rating pensions is a farce, for upon all degrees of disabilities under the general law the rate of pension is fixed in amounts ranging from \$1 to \$72, upon the degree of physical disability, and to the extent it disables the pensioner, for what?—for earning a support by manual labor.

This section of the bill is to be construed as all other laws or legal instruments are construed, so that the words used should be given their ordinary meaning and acceptance. No technical or other meaning that by the practice of the Pension Office or otherwise may attach to a word, or to an expression, is to obtain, and the rule laid down by the Executive, that "pension laws should be liberally administered as measures of benevolence in behalf of worthy beneficiaries," may be a sound rule of construction; but if it is, it is at least met by another rule of law, that statutes conferring new rights are to be strictly construed; and especially is this true where the statute is not in aid of any contract, express or implied, with the beneficiary named.

If this bill did embrace all who are described in the President's interpretation of it, this committee would still favor its passage, for those he describes are such as are, to say the least of it, in a needy condition, and we are not prepared to refuse a pension even to them, if one is needed to give a comfortable living.

We regard the strained interpretation put upon the bill in the message as an excuse rather than a reason for returning it to the House, and we believe we do no injustice to the Executive when considering the whole message to say that if its provisions had been plainer, and that no question could have been raised as to whether it included only those unable to labor, that he would have yet interposed objections. He says:

If none should be pensioned under this bill except those utterly unable to labor I am satisfied that the cost stated would be many times multiplied and with a constant increase from year to year.

The cost referred to by him has just been stated at \$4,767,120 per an-

num, and the number of persons to be embraced in that estimate 33,105. And again he says:

Never before in the history of the country has it been proposed to render Government aid toward the support of any of its soldiers based alone upon a military service so recent, and where age and circumstances seem so little to demand it.

If the estimate referred to is too small, so that it would be multiplied many times, it can be said that the number of soldiers who could be reached by this bill, who are totally unable to work, and who are dependent upon their daily labor for support, is about 100,000; for if our estimate is multiplied by three, which certainly is not more than many, then the appalling fact is reached that so many of the heroic men who have suffered for their country's sake are now absolutely needy and totally unable to work.

This consideration causes us to stand more firmly for the proposition embodied in the second section of the bill, because, conceding that our estimate is too low, and that the number utterly unable to work is larger than was heretofore estimated, then there is a that much stronger reason for giving the relief; that many more are to be found of (using the language of the President, taken from his last annual message) "those who have served their country long and well and are reduced to destitution and dependence, not as an incident of their service, but with advancing age through sickness or misfortune." And we have been "tempted by the contemplation of such a condition," and are yet tempted more strongly when we consider the fact that we have not fully realized the full extent of suffering now being undergone by those heroes, "to supply relief," and if we were wrong in our estimate we submit that we are supplied now with a stronger reason than ever before for the passage of this bill, notwithstanding the objections of the Executive.

But it is urged that some unworthy ones would be benefited by this bill. Possibly so, and so under any general law, no matter how you might attempt to guard it, great abuses might arise. As to the length of service, it is contended that as only three months' service is required, some who had seen little, if any, field service could take advantage of its provisions. Yet upon the other hand, thousands and tens of thousands of men who enlisted for only three months saw some of the most arduous and dangerous service of the entire war, and the injury that results to one who quits the peaceful vocations of life to undergo the trying ordeal of an active military service is most likely to follow from the earlier months of his service than from a period of his service later, when he has become inured to it.

The same process of reasoning adopted by the Executive in support of this objection would have obtained against every general statute that now gives a pension or ever did give one. More than all that, this bill is intended to relieve those who can not prove a pension claim under the present laws; men who saw field service and who made no hospital records. Those who made hospital records can now conveniently use them to procure relief. They have no difficulty in going through the Pension Office upon their hospital records, and a large share of such soldiers are pensioned, while the man who was always in his place in the ranks, and can show no disability by the records that was sufficient to keep him from duty, but as old age comes on begins to feel the strain put upon him by the fact that he was always ready to report "present for duty," is left to suffer, and for him we supply no relief.

It passes the comprehension of this committee to understand how the President could have overlooked in another bill what are alleged as faults in this bill. The bill we refer to passed the House on the same day this did, and met with his unhesitating approval. It is the bill to give pen-

sions to the survivors of the war with Mexico, &c. Under that bill if one who was a soldier in that war and is now under sixty-two years of age applies he must allege and prove some degree of dependency, and no matter how slight, quite vague and indefinite, and any degree of disability is sufficient, no matter how incurred, except in the military service against the United States; and no matter if he be worth millions he need only show sixty days' service; he need not have been in an actual engagement with the enemy, or subjected to any of the actual dangers of war, or even that he should have been in Mexico, or on the coasts or frontier thereof; it is sufficient if he had been *en route* thereto; and it embraces within its provisions more persons than are to be benefited by the bill now under consideration.

It grants the pension to every soldier over sixty-two years of age, without any condition as to his circumstances or necessities, and without requiring any disability as the result of service, even though he be a member of Congress drawing a salary \$5,000 per annum. It gives a pension to every soldier under sixty-two years for any disability, even if the disability resulted since his service and from his own vicious habits or gross carelessness, and for this he gets \$8, while the Union soldier for the same disability received in the line of duty and while in the service would get perhaps only \$2; and it gives a pension to every widow of a soldier in that war who is now sixty-two years of age, whether she was the wife of the soldier or not at the time of his service, without reference to the cause of his death, even if he was killed in battle while serving in the Confederate army.

This committee would rejoice if there could even now be found some indefinite vagueness or latent ambiguity in the Mexican pension law that would enable the President to say that these results were not foreseen by him when he was approving the one and contemplating a veto of the other.

The bill we presented to the House was broad, liberal, and patriotic. It struck down any disbarment from the pension-list on account of any service against the flag, excepting such persons as were laboring under political disabilities. It was intended to reach mainly the survivors of our civil war who had fought for the Union, but it embraced within its generous terms the survivors of the war of 1812, the Indian wars, and the war with Mexico—all who could show that they were totally unable to labor and were dependent upon their daily labor for support could appeal to its provisions, and all were to be treated exactly alike. If this bill fails to become a law, such distinctions are made by the acts of the Executive in approving one and disapproving the other that the committee cannot believe it will be indorsed anywhere by the patriotic sentiment of this country.

Inasmuch as the bill under consideration has, in a measure, been treated by the Executive as a service pension bill only, and particular reference has been made by him in his veto message to the first legislation had by Congress under which the soldiers of the war of the Revolution became pensioners regardless of disability contracted in the service and line of duty, it is deemed proper in this connection to give a brief history of such legislation, and to present such facts in connection therewith as may be pertinent to the matter under consideration.

On March 18, 1818, Congress passed an act granting pensions to the surviving officers and soldiers of the war of the Revolution who, "by reason of their reduced circumstances in life, shall be in need of assistance from their country for support." The only other requirement under the act was nine months' service during or at the close of the war. The rate of pension provided in said act was \$20 per month in cases of officers, and \$8 per month for enlisted men. The act further provided

that the title to pension thereunder shall be determined by the respective courts of the locality in which the applicant resided.

Under this act 22,297 applications, in accordance with its provisions, were filed in the Department, but, so far as the records show, 20,485 only were allowed.

On May 15, 1828, Congress enlarged the pension provided for by the aforesaid act of March 18, 1818, to the full pay of officers and soldiers of the Continental line. This increase largely benefited the officers.

The next legislation with reference to Revolutionary soldiers' service pensions was had in 1832, when, under the act of June 2, of that year, full-pay pensions, without regard to financial condition, were granted to all, except foreign officers, who served for two years, and to those who served at least six months an amount proportionate, according to the length of their service.

From the best information obtainable there were, during the recognized period of the war of the Revolution (April 19, 1775, to April 11, 1783), 309,791 enlistments. This number, however, includes re-enlistments and transfers, and therefore does not represent the actual number of individuals engaged in said war. It may be safe to say that 165,000 individuals served at one period or the other during the war. The number of invalid pensions granted by the General Government on account of disability contracted in said war was small, 2,513 only being of record. This is explained, however, by the fact that prior to March 23, 1792, the pension found to be due to an invalid, under the regulations established by the President, was paid by the State to which his services were credited.

The President takes occasion to remind Congress of the fallacy of the estimate made by the Committee on Invalid Pensions on section 2 of the bill under consideration as to the probable annual cost of the pensions provided therein by referring to the estimate made by Mr. Bloomfield, of New Jersey, chairman Committee on Revolutionary War Pensions, in December, 1817, regarding the probable number of beneficiaries under the bill proposing to grant a pension to the indigent survivors of the war of the Revolution.

In justice to this committee it may be stated that while its estimate was largely based upon official data, and other reasonably reliable information, the estimate of the chairman of the Committee on Revolutionary Pensions at the time referred to seems to have no foundation whatever, except such as his own limited knowledge, confined to his own locality, could afford.

He based his estimate upon the then to him known survivors of the officers of the New Jersey Brigade, 20 in number, out of a total of 160, who he states served in said brigade, which he considered a fair guide as to the proportion of surviving officers in other States, and as he believed the whole number of officers during the war to have been 2,720, there were then living 340, one-tenth of whom, or 34, would apply for pension. He further estimated the number of enlisted men in the service at the close of the war at 17,000, one-tenth of whom, or 1,700, he believed were then living. He further believed that one-fifth of that number, or 340, would try to avail themselves of the pension provided by the bill, making a total of officers and enlisted men as probable beneficiaries, 374.

Admitting, for sake of argument, the statements made by Mr. Bloomfield that there were 17,000 deaths in the Army during the war and that there were only 17,000 men in the Army at the close of the war, we fail to find in what manner he accounted for the other 275,791 enlistments during the war, as shown by official statistics.

Estimating that by that number only 150,000 individual persons are

represented, and that three-fourths of that number rendered during different periods of the war the requisite nine months' service under the act, there were left sight of, in this so-called estimate, 112,500 soldiers. Following up Mr. Bloomfield's calculation, 11,250 of that number would have been alive at the date of his speech, and 2,324 would have been the number of expected applicants, instead of 374. But were his estimates in any particular based upon what could then even be deemed sufficient ground therefor? Only thirty-four years had elapsed since the close of that war.

Presuming that the total individual enlistments were only 165,000 and that 17,000 died during the war, 148,000 survived the same. According to Mr. Bloomfield's statements, one-tenth only of the survivors were supposed to be then living. Instead of 2,040, as he would make us believe, there would have been 14,800. But that he estimated the losses by death at an entirely too high and unwarrantable rate is self-evident. No recognized mortality tables warrant such an extraordinary calculation. If the mortality among the 148,000 presumed survivors reached 12 per thousand annually for the first twenty years, we find 112,480 survivors in the year 1803, and 20 per thousand for the remaining fourteen years, 80,994 would have been the number of survivors in the year of Mr. Bloomfield's remarkable estimate of 374. This estimate is in keeping with recognized authorities on the subject, and borne out by the fact that, as heretofore stated, 22,297 of the soldiers of that war presented themselves before the courts of their respective counties under the act of 1818, 1,200 under the act of 1828, and 39,208 more under the act of 1832.

This committee does not desire to question Mr. Bloomfield's honesty of purpose in his explanation of the cost of his bill. He evidently had overlooked the fact that the bill would benefit a large number of ex-soldiers whose term of service had expired before peace was declared. Again, the facilities for making estimates in a matter, under the most favorable circumstances, necessarily involved in more or less doubts, were not of the character afforded the legislator of to-day. The country was in its infancy. The stage-coach was the only means of travel; the post the only means of communication. Either was expensive and tedious, and little calculated to promote intercourse and communication with persons living in remote places or any considerable distance. Soldiers' reunions of to-day would have been an impossibility, while 4th of July gatherings, to which Mr. Bloomfield referred, were necessarily limited to those who lived within a distance of a few miles.

The young soldier of the Revolution who left his home in the East to seek his fortune in the then hardly known western part of the country, was soon lost sight of by his former comrades. This undoubtedly was the case with thousands. To-day the railroad, the telegraph, and the cheap mail reach nearly every neighborhood throughout the entire United States, affording facilities for intercourse and communication not only cheap but rapid. The New England soldier who since the close of the late war has settled in the far West is enabled to attend the reunion of his old regiment in his native town without much expense or loss of time. The present whereabouts of nearly all the survivors of the war of the rebellion are known to the Government.

Without any desire to discuss the relative distinctiveness of the act of 1818 and the bill under consideration, it is evident that the former was not subjected to the strict interpretation that pension laws at this date receive at the hands of the proper authorities, or would have been subjected to had the power to determine the merits of each individual case been placed in the Government instead of the local court officers. It is true that under the provisions of the act of 1818 claimants were

not required to prove "total inability to procure their subsistence by daily labor" in addition to their dependence upon such labor for their support, but that, even under the more liberal provisions of that act, many, through favoritism, by misrepresentations and other disreputable devices, were adjudged indigent there can be no doubt, for it is hardly possible that one out of every four of the survivors, "by reason of his reduced circumstances in life," needed the assistance of his country for support at an average age of fifty-five years.

The committee have after long and patient labor exhausted every means at their command to ascertain the probable number who would be beneficiaries under the second section of this bill. General J. C. Black, Commissioner of Pensions, last year, with great care and labor, made a special effort to learn the exact number of persons who had at any time been in the military service of the United States and who are supported wholly or in part by public charity. For this purpose he caused carefully prepared blanks to be sent to every county in the nation. Reports were received from thirty-six States and seven Territories, including the District of Columbia. These reports he has fully and carefully tabulated, and from the data thus secured he concludes that the total number of soldiers now in the poor-houses and other charitable institutions, not including the soldiers' homes maintained by the General Government, can not exceed 9,000.

This includes some who have served in the Regular Army in time of peace, and who would not therefore be entitled to any of the benefits of this act. Your committee are of the opinion that this number constitutes at least one-third of those who would be placed upon the pension-roll under the provisions of this bill, and this opinion is strengthened by a careful and elaborate examination of reports of the Commissioner of Pensions for several years past, and a careful comparison of tables submitted in such reports. But to guard against any possibility of underestimating, they have placed the number at three times that given by the Commissioner, making the total number 27,000, the annual cost of which would be about \$4,000,000, allowing the full pension to all. But the statistics obtained show that of the 9,000 so estimated to be dependent 1,200 are now receiving pensions of some amount, and 1,800 are reported insane or blind. It is highly probable that many are now receiving the full amount allowed by this measure.

It is proper to add in this connection that the amount of pensions paid under the pension laws, except where the rate is fixed for a specific disability, depends to a considerable extent upon the report made by the examining boards of surgeons and the decisions of the medical referees of the Pension Office, and also upon the construction given by the Commissioner of Pensions. If the benefits of this act are restricted to a total inability to procure a subsistence by daily labor, your committee are confident the amount required would not exceed the estimate herein made. It is true that "cost should not be set against a patriotic duty or the recognition of a right." The duty to provide for those soldiers now in want, or who are either inmates of our almshouses, or who are cared for by private beneficence, seems to be clear and indisputable. No consideration of probable cost should be allowed to come between them and the relief which they are entitled to receive from a country which they have helped to save.

The cost as estimated by your committee was not excessive, and was well within the means of the Government. But if it should happen that the cost should be largely increased by addition to the list of many more than was estimated, the country is well able to care for them. The system of taxation which has existed since the war, and which Congress has manifested no disposition to interfere with, produces a revenue far

beyond that which is necessary to carry on the Government economically administered. This surplus is constantly on the increase, and is a standing temptation for every kind of device to again get it into circulation among the people. This committee has nothing to say as to the immediate necessity for fortifying our harbors and coasts, nor as to the amount of expenditure requisite for such an undertaking, nor have they any special fault to find with the erection of public buildings whenever the public convenience requires them, nor yet do they criticise the large amounts annually expended in the improvement of the rivers and harbors of the country.

But it is a patent fact that no such schemes would be entertained in many instances, nor such large amounts expended in these directions, were it not for the large and constantly increasing surplus in the Treasury—a surplus which there will be no way of returning to circulation among the people after the payment of the 3 per cent. bonds, now nearly completed, and before the maturity of the bonds becoming due in 1891, except by appropriations for some purpose. Dismissing the question whether a pension is a gratuity, which the President in a former message says it is not, and accepting his definition in his present message that it is a charity, and not considering it necessary to present purposes exactly to define whether a pension is a gratuity or a charity, or simply an expression of gratitude from the people to those who have in times past been their defenders and reducing the whole question to one of money expediency, it seems to your committee that this surplus will be best restored to them in the manner proposed by this bill.

No bonded interest or huge monopolies can claim it as their own, and share it among themselves according to the strength of their "combine." It will go among the people in small amounts and will be spent in their midst. It will be returned directly to those from whom it largely came. Your committee has thus far failed to receive any expressions of disapproval of this bill from soldiers or army organizations; on the contrary, they heartily approve of it, as indeed they should, for it was framed at their instance and in accordance with the necessities of cases constantly brought to the notice of this committee and claiming their attention. So far as they have been able to gather public sentiment on this question, the opposition to the bill seems to be strongest in moneyed centers, in which all water which does not turn their mills is considered as worse than wasted.

Your committee has no means of ascertaining what bonded indebtedness is still "resting on a great majority of Northern counties and cities on account of the large local bounties paid our soldiers." So far as the knowledge of their own districts goes, this indebtedness has been paid long since. No motives of patriotism were concerned in the creation of this debt. A draft was imminent, which would have swept into the army the rich and poor, without drawing any nice distinctions of any character whatever. The counties, townships, and the cities, therefore, decided for themselves, and on their own motion, that they would prefer to pay bounties and raise their quota rather than have their citizens subjected to the drag-net of the draft. If any counties, townships, or cities are yet oppressed by the debts erected in this way, it is because the aversion of their citizens to military service was so great that they were willing and anxious to pay extraordinary bounties to those who were willing to go in their places.

It was a bargain all around, and neither party to it is entitled to any special sympathy or consideration. It is undoubtedly a "source of pride and congratulation to the American citizen that his country is not put to the charge of maintaining a large standing army in times of peace," and it is also to be regretted "that we are now living under a

war tax which has been tolerated in peaceful times to meet the obligations incurred in war." Your committee regret that they are not able to suggest a way of escape from the expenses incurred in the prosecution of war. An army is not a necessity in times of peace, and the expense of maintaining one can be dispensed with, but to carry on a war with any degree of success an army is necessary, and all the unusual expense consequent upon the equipment and support must be incurred, to be paid for when peace and prosperity are again restored. The era of universal peace not yet having arrived, we must continue to fight first and pay afterwards.

Your committee has no desire to discuss all the points alluded to in the message of the President, but they feel constrained to allude to that portion of a former message in which he says:

I cannot rid myself of the conviction that if these ex-soldiers are to be relieved, they and their cause are entitled to the benefit of an enactment under which relief may be claimed as a right, and that such relief should be granted under the sanction of law, and not in evasion of it; nor should such worthy objects of care, all equally entitled, be remitted to the unequal operation of sympathy, or the tender mercies of social and political influence with their unjust discriminations.

The experience of your committee has brought them into hearty accord with these views of the President, and, largely in accordance with his suggestions, they framed a bill which they then thought, and still continue to think, will best accomplish the ends proposed. They are of the opinion that the bill, if interpreted by the officers of the Pension Bureau, or by any one in sympathy with its object, will fully meet the case. They are also equally well aware that to those who are opposed to pension legislation no bill, however framed, can escape misconstruction and misinterpretation.

The President says:

Recent personal observation and experience constrain me to refer to another result which will inevitably follow the passage of this bill. It is sad but nevertheless true, that already in the matter of procuring pensions there exists a widespread disregard of truth and good faith, stimulated by those who as agents undertake to establish claims for pensions, heedlessly entered upon by the expectant beneficiary, and encouraged or at least not condemned by those unwilling to obstruct a neighbor's plans.

Your committee do not share in the opinion that "there exists a widespread disregard of truth and good faith" in the prosecution of pension claims. Nor do we believe that the ex-soldiers of the country are prone to commit fraud, perjury, and subornation of perjury for that purpose or for any other. If, however, such be the fact, it does not appear to be productive of result in the successful issue of fraudulent claims in any appreciable degree.

The late Commissioner of Pensions, Hon. W. W. Dudley, in an annual report, says that with the most searching investigation of all cases of suspected fraud the result showed that in the number of allowed claims one-tenth of 1 per cent., or one in each thousand only, of allowed cases were fraudulent. With the present large force of special examiners in the field, charged with the duty of reporting to the office any evidence, even of a hearsay character, that tends to show a claim to be fraudulent, the opportunity to procure a fraudulent pension, or to enjoy one after it is procured, seems to be reduced to the minimum.

No pension attorney or other claim agent has ever advocated this bill before this committee or spoken in its favor to a single member thereof. Indeed, the paltry fee of \$5 allowed for the prosecution of claims under it offers no inducement to them. They prefer to confine their business to the more profitable channel of \$25 fees now allowed under the general law, and for that reason would rather not see this bill become a law. This is the free-will offering of the committee to the

soldiers of the country, uninfluenced in any degree by claim agents, and brought about by the needs of those it proposes to benefit, as we have been brought to know them. It is not claimed that it goes as far as very many desire it should go, but it is at least a good start in the right direction.

In conclusion, we submit that the general tone of the message is to be fairly taken as an expression in advance of a purpose to use the Executive power to prevent any further legislation that will add any new class to our pension-list, or that will materially increase the cost thereof, and based upon the idea that the country is against it.

We are aware that there is a sentiment of that kind, but insist that it is not a controlling one. We are loath to believe that the people of this country are willing to allow the defenders of the nation's honor and life to live in their declining years in misery and want, and that they would prefer that those who make their laws should err upon the side of mercy rather than upon the side of a too rigid economy in the expenditure of the public money in that direction, and if more taxes, or even a different kind of taxes, are necessary to meet this demand it would be cheerfully paid by the people.

Holding fast to these views of our duties as legislators, and with a cheerful willingness to answer here and elsewhere for the results of honest labors to relieve the indigent soldiers of our common country in every section of it, coming as they do from many wars in which we have been engaged, and with every confidence of a right verdict upon the whole matter, we submit our bill again for the judgment of the House, and ask for it the most rigid criticism, believing it will tend to strengthen rather than to weaken it. We recommend, without a dissenting voice in this committee, that the bill do pass notwithstanding the objections of the President.

[House Ex. Doc. No. 158, Forty-ninth Congress, second session.]

DEPENDENT PENSION BILL.

Message from the President of the United States, returning House bill No. 10427, with his objections thereto.

FEBRUARY 11, 1887.—Referred to the Committee on Invalid Pensions and ordered to be printed.

To the House of Representatives :

I herewith return without my approval House bill No. 10457, entitled "An act for the relief of dependent parents and honorably discharged soldiers and sailors who are now disabled and dependent upon their own labor for support."

This is the first general bill that has been sanctioned by the Congress since the close of the late civil war, permitting a pension to the soldiers and sailors who served in that war upon the ground of service and present disability alone, and in the entire absence of any injuries received by the casualties or incidents of such service.

While by almost constant legislation since the close of this war there has been compensation awarded for every possible injury received as a result of military service in the Union Army, and while a great number of laws passed for that purpose have been administered with great liberality, and have been supplemented by numerous private acts to reach special cases, there has not, until now, been an avowed departure from the principle thus far adhered to respecting Union soldiers, that the bounty of the Government in the way of pensions is generously bestowed when granted to those who in this military service, and in the line of military duty, have, to a greater or less extent, been disabled.

But it is a mistake to suppose that service pensions, such as are permitted by the second section of the bill under consideration, are new to our legislation. In 1818, thirty-five years after the close of the Revolutionary war, they were granted to the soldiers engaged in that struggle, conditional upon service until the end of the war, or for a term not less than nine months, and requiring every beneficiary under the act to be one "who is, or hereafter by reason of his reduced circumstances in life shall be, in need of assistance from his country for support." Another law of a like character was passed in 1828, requiring service until the close of the Revolutionary war; and still another, passed in 1832, provided for those persons not included in the previous

statute, but who served two years at some time during the war, and giving a proportionate sum to those who had served not less than six months.

A service pension law was passed for the benefit of the soldiers of 1812 in the year 1871—fifty-six years after the close of that war—which required only sixty days' service; and another was passed in 1878—sixty-three years after the war—requiring only fourteen days' service.

The service pension bill passed at this session of Congress, thirty-nine years after the close of the Mexican war, for the benefit of the soldiers of that war, requires either some degree of disability or dependency, or that the claimant under its provisions should be sixty-two years of age; and in either case that he should have served sixty days or been actually engaged in a battle.

It will be seen that the bill of 1818 and the Mexican pension bill being thus passed nearer the close of the wars in which its beneficiaries were engaged than the others—one thirty-five years and the other thirty-nine years after the termination of such wars—embraced persons who were quite advanced in age, assumed to be comparatively few in number, and whose circumstances, dependence, and disabilities were clearly defined and could be quite easily fixed.

The other laws referred to appear to have been passed at a time so remote from the military service of the persons which they embraced that their extreme age alone was deemed to supply a presumption of dependency and need.

The number of enlistments in the Revolutionary war is stated to be 309,791, and in the war of 1812, 576,622; but it is estimated that on account of repeated re-enlistments the number of individuals engaged in these wars did not exceed one-half of the number represented by these figures. In the war with Mexico the number of enlistments is reported to be 112,230, which represents a greater proportion of individuals engaged than the reported enlistments in the two previous wars.

The number of pensions granted under all laws to soldiers of the Revolution is given at 62,069; to soldiers of the war of 1812 and their widows, 60,178; and to soldiers of the Mexican war and their widows, up to June 30, 1865, 7,619. The latter pensions were granted to the soldiers of a war involving much hardship, for disabilities incurred as a result of such service; and it was not till within the last month that the few remaining survivors were awarded a service pension.

The war of the rebellion terminated nearly twenty-two years ago; the number of men furnished for its prosecution is stated to be 2,772,408. No corresponding number of statutes have ever been passed to cover every kind of injury or disability incurred in the military service of any war. Under these statutes 561,576 pensions have been granted from the year 1861 to June 30, 1886, and more than twenty-six hundred pensioners have been added to the rolls by private acts passed to meet cases, many of them of questionable merit, which the general laws did not cover.

On the first day of July, 1886, 365,763 pensioners of all classes were upon the pension-rolls, of whom 305,605 were survivors of the war of the rebellion, and their widows and dependents. For the year ending June 30, 1887, \$75,000,000 have been appropriated for the payment of pensions, and the amount expended for that purpose from 1861 to July 1, 1886, is \$808,624,811.51.

While annually paying out such a vast sum for pensions already granted, it is now proposed, by the bill under consideration, to award a service pension to the soldiers of all wars in which the United States has been engaged, including, of course, the war of the rebellion, and to pay those entitled to the benefits of the act the sum of twelve dollars per month.

So far as it relates to the soldiers of the late civil war, the bounty it affords them is given thirteen years earlier than it has been furnished to the soldiers of any other war, and before a large majority of its beneficiaries have advanced in age beyond the strength and vigor of the prime of life.

It exacts only a military or naval service of three months, without any requirement of actual engagement with an enemy in battle, and without a subjection to any of the actual dangers of war.

The pension it awards is allowed to enlisted men who have not suffered the least injury, disability, loss, or damage of any kind, incurred in or in any degree referable to their military service, including those who never reached the front at all and those discharged from rendezvous at the close of the war, if discharged three months after enlistment. Under the last call of the President for troops, in December, 1864, 11,303 men were furnished who were thus discharged.

The section allowing this pension does, however, require, besides a service of three months and an honorable discharge, that those seeking the benefit of the act shall be such as "are now or may hereafter be suffering from mental or physical disability not the result of their own vicious habits or gross carelessness, which incapacitates them for the performance of labor in such a degree as to render them unable to earn a support, and who are dependent upon their daily labor for support."

It provides further that such persons shall, upon making proof of the fact, "be placed on the list of invalid pensioners of the United States, and be entitled to receive for such total inability to procure their subsistence by daily labor, twelve dollars per month; and such pension shall commence from the date of the filing of the appli-

cation in the Pension Office, upon proof that the disability then existed, and continue during the existence of the same in the degree herein provided; provided, that persons who are now receiving pensions under existing laws, or whose claims are pending in the Pension Office, may, by application to the Commissioner of Pensions, in such form as he may prescribe, receive the benefit of this act."

It is manifestly of the utmost importance that statutes which, like pension laws, should be liberally administered as measures of benevolence in behalf of worthy beneficiaries, should admit of no uncertainty as to their general objects and consequences.

Upon a careful consideration of the language of the section of this bill above given, it seems to me to be so uncertain and liable to such conflicting constructions, and to be subject to such unjust and mischievous application, as to alone furnish sufficient ground for disapproving the proposed legislation.

Persons seeking to obtain the pension provided by this section must be now or hereafter—

1. "Suffering from mental or physical disability."
2. Such disability must not be "the result of their own vicious habits or gross carelessness."
3. Such disability must be such as "incapacitates them for the performance of labor in such a degree as to render them unable to earn a support."
4. They must be "dependent upon their daily labor for support."
5. Upon proof of these conditions they shall "be placed on the lists of invalid pensioners of the United States, and be entitled to receive for such total inability to procure their subsistence by daily labor twelve dollars per month."

It is not probable that the words last quoted, "such total inability to procure their subsistence by daily labor," at all qualify the conditions prescribed in the preceding language of the section. The "total inability" spoken of must be "such" inability—that is, the inability already described and constituted by the conditions already detailed in the previous parts of the section.

It thus becomes important to consider the meaning and the scope of these last-mentioned conditions.

The mental and physical disability spoken of has a distinct meaning in the practice of the Pension Bureau, and includes every impairment of bodily or mental strength or vigor. For such disabilities there are now paid one hundred and thirty-one different rates of pension, ranging from \$1 to \$100 per month.

This disability must not be the result of the applicant's "vicious habits or gross carelessness." Practically this provision is not important. The attempt of the Government to escape the payment of a pension on such a plea would, of course, in a very large majority of instances, and regardless of the merits of the case, prove a failure. There would be that strange but nearly universal willingness to help the individual as between him and the public treasury, which goes very far to insure a state of proof in favor of the claimant.

The disability of applicants must be such as to "incapacitate them for the performance of labor in such a degree as to render them unable to earn a support."

It will be observed that there is no limitation or definition of the incapacitating injury or ailment itself. It need only be such a degree of disability from any cause as renders the claimant unable to earn a support by labor. It seems to me that the "support" here mentioned as one which cannot be earned, is a complete and entire support, with no diminution on account of the least impairment of physical or mental condition. If it had been intended to embrace only those who by disease or injury were totally unable to labor, it would have been very easy to express that idea, instead of recognizing as is done a "degree" of such inability.

What is a support? Who is to determine whether a man earns it or has it or has it not? Is the Government to enter the homes of claimants for pension, and after an examination of their surroundings and circumstances settle those questions? Shall the Government say to one man that his manner of subsistence by his earnings is a support, and to another that the things his earnings furnish are not a support? Any attempt, however honest, to administer this law in such a manner, would necessarily produce more unfairness and unjust discrimination and give more scope for partisan partiality, and would result in more perversion of the Government's benevolent intentions, than the execution of any statute ought to permit.

If in the effort to carry out the proposed law, the degree of disability as related to earnings be considered for the purpose of discovering if in any way it curtails the support which the applicant if entirely sound would earn, and to which he is entitled, we enter the broad field long occupied by the Pension Bureau, and we recognize as the only difference between the proposed legislation and previous laws passed for the benefit of the surviving soldiers of the civil war, the incurrence in one case of disabilities in military service, and in the other disabilities existing but in no way connected with or resulting from such service.

It must be borne in mind that in no case is there any grading of this proposed pension. Under the operation of the rule first suggested, if there is a lack in any degree, great or small, of the ability to earn such a support as the Government determines

the claimant should have, and by the application of the rule secondly suggested, if there is a reduction in any degree of the support which he might earn if sound, he is entitled to a pension of \$12.

In the latter case, and under the proviso of the proposed bill, permitting persons now receiving pensions to be admitted to the benefits of the act, I do not see how those now on the pension-roll for disabilities incurred in the service and which diminish their earning capacity, can be denied the pension provided in this bill.

Of course none will apply who are now receiving \$12 or more per month. But on the 30th day of June, 1866, there were on the pension-rolls 202,621 persons who were receiving fifty-eight different rates of pension from \$1 to \$11.75 per month. Of these, 28,142 were receiving \$2 per month; 63,116, \$4 per month; 37,254, 76 per month; and 50,274, whose disabilities were rated as total, \$8 per month.

As to the meaning of the section of the bill under consideration there appears to have been quite a difference of opinion among its advocates in the Congress. The chairman of the Committee on Pensions in the House of Representatives who reported the bill declared that there was in it no provision for pensioning any one who has a less disability than a total inability to labor, and that it was a charity measure. The chairman of the Committee on Pensions in the Senate, having charge of the bill in that body, dissented from the construction of the bill announced in the House of Representatives, and declared that it not only embraced all soldiers totally disabled, but in his judgment all who are disabled to any considerable extent; and such a construction was substantially given to the bill by another distinguished Senator, who, as a former Secretary of the Interior, had imposed upon him the duty of executing pension laws and determining their intent and meaning.

Another condition required of claimants under this act is that they shall be "dependent upon their daily labor for support."

This language, which may be said to assume that there exists within the reach of the persons mentioned "labor," or the ability in some degree to work, is more aptly used in a statute describing those not wholly deprived of this ability than in one which deals with those utterly unable to work.

I am of the opinion, that it may fairly be contended that under the provisions of this section any soldier whose faculties of mind or body have become impaired by accident, disease, or age, irrespective of his service in the Army as a cause, and who by his labor only is left incapable of gaining the fair support he might with unimpaired powers have provided for himself, and who is not so well endowed with this world's goods as to live without work, may claim to participate in its bounty; that it is not required that he should be without property, but only that labor should be necessary to his support in some degree; nor is it required that he should be now receiving support from others.

Believing this to be the proper interpretation of the bill, I cannot but remember that the soldiers of our civil war, in their pay and bounty, received such compensation for military service as has never been received by soldiers before, since mankind first went to war; that never before, on behalf of any soldiery, have so many and such generous laws been passed to relieve against the incidents of war; that statutes have been passed giving them a preference in all public employments; that the really needy and homeless Union soldiers of the rebellion have been, to a large extent, provided for at soldiers' homes, instituted and supported by the Government, where they are maintained together, free from the sense of degradation which attaches to the usual support of charity; and that never before in the history of the country has it been proposed to render Government aid toward the support of any of its soldiers based alone upon a military service so recent, and where age and circumstances appeared so little to demand such aid.

Hitherto such relief has been granted to surviving soldiers few in number, venerable in age, after a long lapse of time since their military service, and as a parting benefaction tendered by a grateful people.

I cannot believe that the vast peaceful army of Union soldiers, who having contentedly resumed their places in the ordinary avocations of life cherish as sacred the memory of patriotic service, or who having been disabled by the casualties of war justly regard the present pension-roll, on which appear their names, as a roll of honor, desire at this time and in the present exigency, to be confounded with those who through such a bill as this, are willing to be objects of simple charity and to gain a place upon the pension-roll through alleged dependence.

Recent personal observation and experience constrain me to refer to another result which will inevitably follow the passage of this bill. It is sad but nevertheless true, that already in the matter of procuring pensions there exists a widespread disregard of truth and good faith, stimulated by those who as agents undertake to establish claims for pensions, heedlessly entered upon by the expectant beneficiary, and encouraged or at least not condemned by those unwilling to obstruct a neighbor's plans.

In the execution of this proposed law under any interpretation, a wide field of inquiry would be opened for the establishment of facts largely within the knowledge of the claimants alone; and there can be no doubt that the race after the pensions of-

ferred by this bill would not only stimulate weakness and pretended incapacity for labor, but put a further premium on dishonesty and mendacity.

The effect of new invitations to apply for pensions, or of new advantages added to causes for pensions already existing, is sometimes startling.

Thus in March, 1879, large arrearages of pensions were allowed to be added to all claims filed prior to July 1, 1880. For the year from July 1, 1879, to July 1, 1880, there were filed 110,673 claims, though in the year immediately previous there were but 36,832 filed, and in the year following but 18,455.

While cost should not be set against a patriotic duty or the recognition of a right, still, when a measure proposed is based upon generosity or motives of charity, it is not amiss to meditate somewhat upon the expense which it involves. Experience has demonstrated, I believe, that all estimates concerning the probable future cost of a pension list are uncertain and unreliable, and always fall far below actual realization.

The chairman of the House Committee on Pensions calculates that the number of pensioners under this bill would be 33,105, and the increased cost \$4,767,120; this is upon the theory that only those who are entirely unable to work would be its beneficiaries. Such was the principle of the Revolutionary pension law of 1818, much more clearly stated, it seems to me, than in this bill. When the law of 1818 was upon its passage in Congress the number of pensioners to be benefited thereby was thought to be 374; but the number of applicants under the act was 22,297, and the number of pensions actually allowed 20,485, costing, it is reported, for the first year, \$1,847,900, instead of \$40,000, the estimated expense for that period.

A law was passed in 1853 for the benefit of the surviving widows of Revolutionary soldiers who were married after January 1, 1800. It was estimated that they numbered 300 at the time of the passage of the act; but the number of pensions allowed was 3,742, and the amount paid for such pensions, during the first year of the operation of the act, was \$180,000 instead of \$24,000 as had been estimated.

I have made no search for other illustrations, and the above being at hand, are given as tending to show that estimates cannot be relied upon in such cases.

If none should be pensioned under this bill except those utterly unable to work, I am satisfied that the cost stated in the estimate referred to would be many times multiplied, and with a constant increase from year to year; and if those partially unable to earn their support should be admitted to the privileges of this bill, the probable increase of expense would be almost appalling.

I think it may be said that at the close of the war of the rebellion every Northern State and a great majority of Northern counties and cities, were burdened with taxation on account of the large bounties paid our soldiers; and the bonded debt thereby created still constitutes a large item in the account of the tax-gatherer against the people. Federal taxation, no less borne by the people than that directly levied upon their property, is still maintained at the rate made necessary by the exigencies of war. If this bill should become a law, with its tremendous addition to our pension obligation, I am thoroughly convinced that further efforts to reduce the Federal revenue and restore some part of it to our people, will and perhaps should be seriously questioned.

It has constantly been a cause of pride and congratulation to the American citizen that his country is not put to the charge of maintaining a large standing army in time of peace. Yet we are now living under a war tax which has been tolerated in peaceful times to meet the obligations incurred in war. But for years past, in all parts of the country, the demand for the reduction of the burdens of taxation upon our labor and production has increased in volume and urgency.

I am not willing to approve a measure presenting the objections to which this bill is subject, and which, moreover, will have the effect of disappointing the expectation of the people and their desire and hope for relief from war taxation in time of peace.

In my last annual message the following language was used:

"Every patriotic heart responds to a tender consideration for those, who, having served their country long and well, are reduced to destitution and dependence, not as an incident of their service, but with advancing age or through sickness or misfortune. We are all tempted by a contemplation of such a condition to supply relief, and are often impatient of the limitations of public duty. Yielding to no one in the desire to indulge this feeling of consideration, I cannot rid myself of the conviction that if these ex-soldiers are to be relieved, they and their cause are entitled to the benefit of an enactment, under which relief may be claimed as a right, and that such relief should be granted under the sanction of law, not in evasion of it; nor should such worthy objects of care, all equally entitled, be remitted to the unequal operation of sympathy, or the tender mercies of social and political influence with their unjust discriminations."

I do not think that the objects, the conditions, and the limitations thus suggested are contained in the bill under consideration.

I adhere to the sentiments thus heretofore expressed. But the evil threatened by this bill is in my opinion such that, charged with a great responsibility in behalf of the people, I cannot do otherwise than to bring to the consideration of this measure

my best efforts of thought and judgment, and perform my constitutional duty in relation thereto, regardless of all consequences, except such as appear to me to be related to the best and highest interests of the country.

GROVER CLEVELAND.

EXECUTIVE MANSION,
Washington, February 11, 1887.

[H. R. 10457. Forty-ninth Congress, second session.]

An act for the relief of dependent parents and honorably discharged soldiers and sailors who are now disabled and dependent upon their own labor for support.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in considering the pension claims of dependent parents, the fact and cause of death, and the fact that the soldier left no widow or minor children, having been shown as required by law, it shall be necessary only to show by competent and sufficient evidence that such parent or parents are without other present means of support than their own manual labor or the contributions of others not legally bound for their support: Provided, That no pension allowed under this act shall commence prior to its passage, and in case of applications hereafter made under this act the pension shall commence from the date of the filing of the application in the Pension Office.

SEC. 2. That all persons who served three months or more in the military or naval service of the United States in any war in which the United States has been engaged, and who have been honorably discharged therefrom, and who are now or who may hereafter be suffering from mental or physical disability, not the result of their own vicious habits or gross carelessness, which incapacitates them for the performance of labor in such a degree as to render them unable to earn a support, and who are dependent upon their daily labor for support, shall, upon making due proof of the fact according to such rules and regulations as the Secretary of the Interior may provide in pursuance of this act, be placed on the list of invalid pensioners of the United States, and be entitled to receive, for such total inability to procure their subsistence by daily labor, twelve dollars per month; and such pension shall commence from the date of the filing of the application in the Pension Office, upon proof that the disability then existed, and continue during the existence of the same in the degree herein provided: *Provided, That persons who are now receiving pensions under existing laws, or whose claims are pending in the Pension Office, may, by application to the Commissioner of Pensions, in such forms as he may prescribe, receive the benefits of this act; but nothing herein contained shall be so construed as to allow more than one pension at the same time to the same person, or pension to commence prior to the passage of this act: And provided further, That rank in the service shall not be considered in applications filed thereunder.*

SEC. 3. That no agent, attorney, or other person instrumental in the presentation and prosecution of a claim under this act shall demand or receive for his services or instrumentality in presenting and prosecuting such claim a sum greater than five dollars, payable only upon the order of the Commissioner of Pensions, by the pension agent making payment of the pension allowed, except in cases heretofore prosecuted before the Pension Office, when, in the discretion of the Commissioner of Pensions, a fee of ten dollars may be allowed in like manner to the agent or attorney of record in the case at the date of the passage of this act; and any agent, attorney, or other person instrumental in the prosecution of a claim under this act who shall demand or receive a sum greater than that herein provided for, for his service in the prosecution of the claim, shall be subject to the same penalties as prescribed in section four of the act of July fourth, eighteen hundred and eighty-four, entitled "An act making appropriation 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."

SEC. 4. That section forty-seven hundred and sixteen of the Revised Statutes is hereby modified so that the same shall not apply to this act: *Provided, That this act shall not apply to those persons under political disabilities. And no person shall be pensioned under this act for any disability incurred while engaged in the military service against the United States.*

JOHN G. CARLISLE,
Speaker of the House of Representatives.
JOHN SHERMAN,
President of the Senate pro tempore.

I certify that this act originated in the House of Representatives.

Attest:

JNO. B. CLARK, JR., *Clerk.*