# National Republican.

SPECIAL!

## LAWS OF THE UNITED STATES.

Passed at the Second Session of the Fortieth Congress.

[illegible] No. 110.

An Act relating to pensions.

[illegible] That the Secretary of the Interior be hereby authorized and directed to pay [illegible] child entitled to pension under existing laws, shall be so construed as to give precedence to such relatives in the following order, namely: First, mothers; second, [illegible] sisters under sixteen years of age who shall be pensioners [illegible] shall have left their father and mother who were dependent upon them for aid at the death of the mother; the father shall be considered as a pensioner commencing from and after the death of the mother, and upon the death of the mother and father the dependent brothers and sisters under sixteen years of age shall jointly be considered as such pensioners until they attain the age of sixteen years, respectively, commencing from and after the death of the parent who preceding them would have been entitled to the same. *And be it further enacted*, That no pension heretofore awarded shall be affected by anything herein contained.

Sec. 2. *And be it further enacted*, That no person shall be entitled to a pension by reason of wounds received, or disease contracted, in the service of the United States, subsequently to the passage of this act, unless the person who was wounded or contracted disease was in the line of duty, and, if in the military service, was at the time actually in the field, on the march, or at some post, fort, or garrison, or if in the naval service was at the time borne on the books of some ship, or other vessel of the United States, at sea or in harbor, actually in commission, or was on his way, by direction of competent authority, to the United States, or to some other vessel or naval station.

Sec. 3. *And be it further enacted*, That section 4 of the acts approved April sixth, eighteen hundred and thirty-eight, and August twenty-third, eighteen hundred and forty-two, so far as it relates to pensions remaining unclaimed for fourteen months after the same have become due, shall be hereby repealed, and the authority to claim his or her pension for a period of three years after the same shall have become due, shall be deemed presumptive evidence that such pension has legally terminated by reason of the pensioner's death, remarriage, recovery from disability, or otherwise, and the pensioner claiming shall be disqualified from the relief contemplated by the act of February 26, 1862, [illegible] the right of restoration to the same on a new application, with evidence satisfactorily accounting for the failure to claim such pension.

Sec. 4. [illegible] That if any officer, soldier, seaman, or enlisted man who died since the fourth day of March, eighteen hundred and sixty-one, or shall hereafter die, leaving a widow entitled to a pension, and children under sixteen years of age by a former wife, each of said children shall be entitled to receive two dollars per month, to commence from the death of their father and continue until they severally attain the age of sixteen years, to the guardian of such children, to be applied to their use and benefit. *Provided*, however, that in all cases where such widow is charged with the care, custody, and maintenance of such child or children, the said sum of two dollars per month for each of said children shall be paid to her for and during the time she is, or may have been, charged with the care, custody, or maintenance of such child or children, subject to the same conditions, restrictions, and limitations as if they were her children by her deceased husband.

Sec. 5. [illegible] That in all cases where a pension now or may hereafter be granted to any widow or guardian of such children, shall not be deprived of such increase by reason of any child or children of such deceased soldier or sailor being the inmate of any home, orphan's asylum, or other public or private charitable institution supported in whole or in part by the United States, or any State or Territory, or any institution where such orphans are kept in whole or in part to be maintained or educated at the expense of a State, or of the public.

Sec. 6. *And be it further enacted*, That all pensions which have been granted in consequence of death occurring or disease contracted or wounds received, since the fourth day of March, eighteen hundred and sixty-one, or may hereafter be granted, shall commence from the date of the death of the person on whose account the pension has been or shall hereafter be granted. *Provided*, That the pension of any such person shall not be allowed or shall hereafter be allowed by the Commissioner of Pensions, in any case where the application by or in behalf of such person or children under fifteen years of age shall be filed in the Department after the expiration of two years from the date of the death of such person, except that in cases where such application shall be filed within two years after the date of the death of such person, the pension may be allowed from the date of the death of such person.

Sec. 7. [illegible] That the act approved July twenty-fourth, eighteen hundred and sixty-six, shall be so construed as to place all pensioners whose rights thereto accrued subsequently to the war of the Revolution and prior to the fourth day of March, eighteen hundred and sixty-one, on the same footing as to rate of pension from and after the passage of said act, as those who have been pensioned under acts passed since said fourth day of March, eighteen hundred and sixty-one, and the widows of revolutionary soldiers and sailors now receiving a less sum shall hereafter be paid at the rate of eight dollars per month.

Sec. 11. [illegible] That all officers in the military or naval service of the rank of captain in the army or lieutenant in the navy and of less rank, who have lost a leg or arm in such service and in the line of duty, or in consequence of wounds received or disease contracted therein, shall be entitled to receive an artificial limb on the same terms as privates in the army are now entitled to receive the same.

Sec. 12. [illegible] That in all cases pensions heretofore or hereafter granted by special acts of Congress shall be subject to be varied in amount according to the provisions and limitations of the pension laws.

Sec. 13. [illegible] That all acts and parts of acts inconsistent with the foregoing provisions of this act be and the same are hereby repealed.

Approved, July 27, 1868.

(Public—No. 111.)

An Act to amend an act entitled "An act relating to the State of Texas the establishment of her northern and western boundaries, the relinquishment by the said state of all territory claimed by her exterior to said boundaries, and of all her claims upon the United States, and to establish a territorial government for New Mexico."

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the proviso of the act approved September 9, 1850, entitled "An act to establish a territorial government for New Mexico," shall be so construed as to authorize the Territorial Legislature of New Mexico to pass an act for the protection of the property of persons who may be in said Territory when the same is ordered to be sold for the payment of taxes or other dues to the United States or to said Territory, and to provide for the redemption of such property from such sale by the owner thereof, or any person for his use and benefit, within such reasonable time as said Legislature may deem proper to prescribe, not exceeding two years from the date of such sale; and to provide for the payment to the purchaser of such property, in the event of such redemption, of the purchase money thereof, with a reasonable interest thereon, not exceeding twenty per centum per annum, and the necessary and lawful expenses incurred by such purchaser in the premises; and to provide for the payment to the owner of such property, if not redeemed as aforesaid, of the surplus of the proceeds of such property remaining after satisfying such taxes or other dues to the United States or said Territory, and the lawful charges of the officer making the sale; and to provide for the conveyance to the purchaser of such property, if not redeemed as aforesaid, by the proper officer of said Territory, of the same, in such form as may be prescribed by the laws of said Territory, which said conveyance shall be prima facie evidence of the regularity of the sale and of the right to the property so sold, and of the right of said purchaser to the possession thereof; and to provide for the protection of the purchaser in the possession of such property against the owner or those claiming under him, by such proceedings as may be prescribed by the said Legislature: *Provided*, That the said Legislature shall not have power to impair the rights of any bona fide purchaser who may have purchased such property without notice of such tax or other due, or of such sale for the same, or to impair the rights of any person to whom such property may be assessed for the payment of such tax or other due, or who may be in the actual occupancy of such property at the time of such assessment, or who may be the owner or claimant of such property at the time of the levying of such tax or other due: *Provided, further*, That the said Legislature shall not have power to impair the rights of any person who may be the owner or claimant of such property at the time of the passage of this act, who may be a minor, lunatic, or idiot, or married woman, or who may be in the military service of the United States or of said Territory, during the continuance of such disability: *Provided, further*, That the said Legislature shall not have power to impair the rights of any such owner or claimant who may be absent from said Territory during the continuance of such absence: *Provided, further*, That the said Legislature shall not have power to impair the rights of any such owner or claimant who may be a married woman, during the continuance of her coverture, if she be not a party to the proceedings by which her property is sought to be sold for such tax or other due