

AN ACT

To amend section forty-seven hundred and sixty-six of the Revised Statutes of the United States.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section forty-seven hundred and seventy-six, Title fifty-seven, of the Revised Statutes of the United States be, and the same is hereby, amended by adding thereto the following additional provisions and provisos, to wit: *Provided further*, That in case a resident pensioner of the United States shall for a period of over six months desert his lawful wife, she being a woman of good moral character and in necessitous circumstances, or, if he have no lawful wife, shall desert his legitimate minor child or children under sixteen years of age, or his permanently helpless and dependent child, the Commissioner of Pensions is hereby directed, upon being satisfied by competent evidence of such desertion, to cause one-half of the pension due or to become due said pensioner during the continuance of such desertion to be paid to the wife, or in case there is no wife, to the legal guardian of the child or children: *Provided further*, That when a soldier or sailor enters into a State home for soldiers or sailors as an inmate thereof, one-half of his pension accruing during his residence therein shall be paid to his wife, she being a woman of good moral character and in necessitous circumstances, or if there be no wife, then to his child or children under sixteen years of age, or his permanently helpless and dependent child, if any, unless such wife and children shall also be inmates of the same institution or of some home provided for the wives and children of soldiers and sailors: *Provided further*, That if any such pensioner is or shall become an inmate of a National Soldiers' Home one-half of the pension drawn in his behalf or to which he may become entitled during his residence therein shall be paid by the treasurer of that institution to such pensioner's wife, she being in necessitous circumstances and a woman of good moral character, or, if there be no wife, to the legal guardian of the minor child or children, or the permanently dependent and helpless child or children of such pensioner, on the order of the Commissioner of Pensions: *Provided further*, That hereafter no pension under any law of the United States shall be granted, allowed, or paid to the widow of a soldier, sailor, officer, naval or military, marine, marine officer, or any other male person entitled to a pension under any law of the United States, unless it shall be proved and established that the marriage of such widow to the soldier, sailor, officer, marine, or other person on account of whose service the pension is asked, was duly and legally contracted and entered into prior to the passage of this Act, or unless such wife shall have lived and cohabited with such soldier, sailor, officer, marine, marine officer, or other person continuously from the date of the marriage to the date of his death, or unless the marriage shall take place hereafter and prior to or during the military or naval service of the soldier, sailor, officer, marine, or other person on account of whose service the pension is asked or claimed. This proviso shall not apply to or affect the widow of any soldier, sailor, marine, officer, or marine officer serving or who has served in the war between the United States and the Kingdom of Spain.

In all cases the questions of desertion, entrance into a home, necessitous circumstances, and of good moral character shall be ascertained and determined by the Commissioner of Pensions under such rules and regulations as he shall prescribe, and the treasurers or governors of the several soldiers' and sailors' homes shall be advised of such action from time to time.

Approved March 3, 1899.

INSTRUCTIONS.

If the case falls within the provisions of the above act, and if the declaration is executed and returned to the Bureau, it must be accompanied by sufficient evidence to demonstrate a *prima facie* case, that is to say:

1. Evidence showing that claimant is the pensioner's lawful wife. A certified copy of the public or church record of the marriage must be furnished, if it exists.
2. The testimony of two or more competent witnesses showing that the pensioner has deserted the claimant for a period of over six months, giving the exact date and all circumstances leading up to and causing the separation, unless the claim is based upon pensioner's residence in a soldiers' home only, when evidence of desertion is not required.
3. The testimony of two or more competent witnesses showing that claimant is a woman of good moral character.
4. The testimony of two or more competent witnesses showing that claimant is in necessitous circumstances.

All evidence, except record evidence, must be under oath, and the witnesses must state their names in full, ages, post-office addresses (with street and number or rural free delivery route, if any), and means of knowledge of the facts to which they testify; and their credibility should be certified to by the officer before whom the affidavits are executed, if he can consistently do so, in his own handwriting.

A declaration, in the absence of the evidence herein indicated, will not be accepted in the Bureau, and its return to the writer will be the inevitable result.

Declaration and testimony in support of same to be executed before some officer of a court of record having custody of its seal, a notary public, justice of the peace, or other officer authorized to administer oaths for general purposes. If such officer is not required by law to have and use a seal, his official character, signature, and term of office must be certified by the proper State, county, or city officer under his official seal, unless such certificate has been filed in the Bureau of Pensions for general reference.

WIFE OF PENSIONER.

CLAIM FOR ONE-HALF PENSION.

ACT OF MARCH 3, 1899.

Applicant,

Eliza Jackson,

Soldier,

James Amos Jackson,

Service,

Co. H. 19th Me. C. Inf.

No. of Certificate,

590184



Filed by

David L. Stanton
528 W. Franklin Street
Baltimore Md.

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