

ACCRUED PENSION.

L. S. W.

WIDOW'S APPLICATION.

No. 942,030

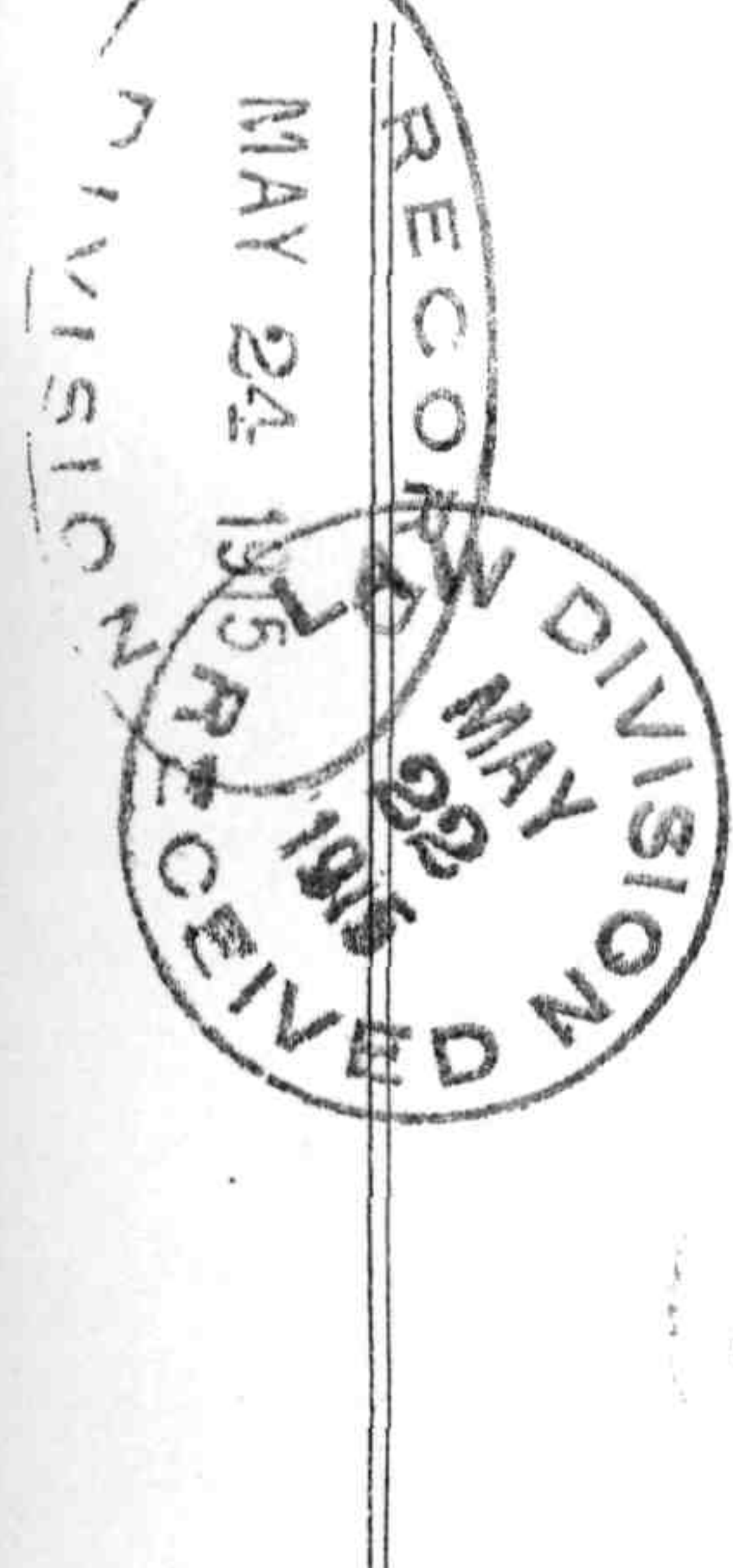
Applicant, Mary E. Leary

Soldier, Oscar J. Leary

Service, Cavalry Co B

5th Reg Massachusetts

Col. J. J. Leary



PAYMENT OF ACCRUED PENSIONS.

AN ACT to provide for the payment of accrued pensions in certain cases.

*Be it enacted, etc.,* That from and after the twenty-eighth day of September, eighteen hundred and ninety-two, the accrued pension to the date of the death of any pensioner, or of any person entitled to a pension having an application therefor pending, and whether a certificate therefor shall issue prior or subsequent to the death of such person, shall, in the case of a person pensioned, or applying for pension, on account of his disabilities or service, be paid, first, to his widow; second, if there is no widow, to his child or children under the age of sixteen years at his death; third, in case of a widow, to her minor children under the age of sixteen years at her death. Such accrued pension shall not be considered a part of the assets of the estate of such deceased person, nor be liable for the payment of the debts of said estate in any case whatsoever, but shall inure to the sole and exclusive benefit of the widow or children. And if no widow or child survive such pensioner, and in the case of his last surviving child who was such minor at his death, and in case of a dependent mother, father, sister, or brother, no payment whatsoever of their accrued pension shall be made or allowed except so much as may be necessary to reimburse the person who bore the expense of their last sickness and burial, if they did not leave sufficient assets to meet such expense. And the mailing of a pension check, drawn by a pension agent in payment of a pension due, to the address of a pensioner, shall constitute payment in the event of the death of a pensioner subsequent to the execution of the voucher therefor. And all prior laws relating to the payment of accrued pension are hereby repealed.

Approved March 2, 1895.

INSTRUCTIONS.

Declaration and evidence in support thereof 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 a certificate has been filed in the Bureau of Pensions for general reference.

The evidence indicated below should accompany the declaration:

1. A verified copy of the public record, or, if no such record exists, the testimony of the attending physician or of credible witnesses, showing the date of the soldier's death.
2. A verified copy of the public or church record of the claimant's marriage to the soldier; or, if no such record exists, the affidavit of the person who performed the ceremony; or, if that can not be procured, the testimony of credible persons who were present at the marriage, showing the date thereof.
3. If the claimant or soldier had been previously married, the death or divorce of the former husband or wife should be proved: In case of death, by a verified copy of the public record, or, if no such record exists, by the testimony of credible witnesses; in case of divorce, by a certified copy of the decree of the court. If there was no prior marriage of either party, the fact should be shown by the testimony of credible witnesses.
4. Testimony of credible witnesses showing whether the claimant lived with the soldier to the date of his death; and whether she was divorced from him.

*Copies of records should be attested by the officer having custody thereof; and if he has no seal by which to authenticate his signature, the attestation should be under oath.*

*Witnesses must state their post-office addresses, ages, and means of knowledge of the facts to which they testify, and write their names immediately after their statements, leaving no blank space over their signatures; and it should appear in the jurats that they knew the contents of their affidavits, and that erasures or alterations, if any, were made before the oath was administered.*