

SENATE No. 279.

[Senate No. 267 as amended and engrossed.]

Commonwealth of Massachusetts.

In the Year One Thousand Eight Hundred and Seventy-nine.

AN ACT

To provide for the Payment of State Aid to Disabled Soldiers and their Families and the Families of Deceased Soldiers.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows :

1 SECTION 1. Any city or town may raise money
2 for the purposes of this act ; and the treasurers
3 thereof may, under the direction of the mayor and
4 aldermen or the selectmen thereof, under the fol-
5 lowing conditions, pay state aid to, or expend it for,
6 any person having a residence and actually residing
7 in such city or town, who is not receiving aid from
8 any other state, nor from any other city or town in
9 this state, and who was an actual resident of this
10 state on the twenty-third day of April in the year
11 eighteen hundred and sixty-six, and who shall be in
12 such necessitous circumstances as to require further

13 public assistance, and who shall belong to either of
14 the following classes ; to wit : —

15 *First Class.* — Invalid pensioners of the United
16 States who served in the army or navy to the credit
17 of the state of Massachusetts between April nine-
18 teenth, eighteen hundred and sixty-one, and Sep-
19 tember first, eighteen hundred and sixty-five, or,
20 being actual residents of this state at the time of
21 their enlistment, served to the credit of any other
22 state between April nineteenth, eighteen hundred
23 and sixty-one, and March eighteenth, eighteen hun-
24 dred and sixty-two, who have been honorably dis-
25 charged from said service, and who are so far dis-
26 abled by their service in the army or navy as
27 aforesaid as to prevent them from following their
28 ordinary and usual vocation.

29 *Second Class.* — Dependent relatives of soldiers
30 or sailors who have served in the manner and
31 under the limitations described for the service of
32 invalid pensioners of the first class, and have, if not
33 dying in such service, been honorably discharged
34 therefrom, as follows ; namely : —

35 The widows, children, and widowed mothers of
36 soldiers or sailors dying in such service, or dying
37 after their honorable discharge therefrom of wounds
38 or disease incurred in said service, or dying while
39 in the receipt of a pension of the United States
40 and the state aid of this state, and the wives, chil-
41 dren, and widowed mothers of invalid pensioners of
42 the first class receiving from the United States at
43 least one-half the amount allowed for total dis-
44 ability.

45 *Third Class.*—Dependent relatives of soldiers or
46 sailors who served as aforesaid to the credit of the
47 state of Massachusetts between April nineteenth,
48 eighteen hundred and sixty-one, and September first,
49 eighteen hundred and sixty-five, who appear on the
50 rolls of their respective regiments or companies, in
51 the office of the adjutant-general, to be missing, or
52 to have been captured by the enemy, and who have
53 not been exchanged, and have not returned from cap-
54 tivity, and who are not known to be alive, as follows ;
55 namely :—

56 The widows, or wives, children, and widowed
57 mothers, of such soldiers or sailors.

58 *Provided* that no such relative of any such soldier
59 or sailor shall belong to this class, or be aided as
60 such, if the municipal authorities granting the aid
61 shall have good and sufficient reason to believe that
62 such soldier or sailor deserted, or that he is still liv-
63 ing, and wilfully absent from his family.

64 *Fourth Class.*—Persons who were receiving state
65 aid prior to April eleventh, eighteen hundred and
66 sixty-seven, and who were precluded therefrom by
67 the provisions of the act of that date ; *provided* the
68 mayor and aldermen or selectmen shall in each case
69 be satisfied upon evidence first reported to the com-
70 missioners of state aid, and satisfactory to them, that
71 justice and necessity require a continuance of the aid
72 to prevent actual suffering.

1 SECT. 2. No wife or widow of any discharged
2 soldier or sailor shall be held to belong to either of
3 the foregoing classes, or be aided as such, unless she

4 was married to him prior to his final discharge from
5 the service aforesaid.

6 No person shall be held to be a child in either
7 the second, third, or fourth classes above named, or
8 shall be aided as such, who is over fourteen years of
9 age, or who was born after the father's discharge
10 from the service aforesaid, or who was born after
11 the first day of September, eighteen hundred and
12 sixty-five; but the term "children" may be held to
13 include any child born after the death of the father
14 in said service.

15 The words "invalid pensioners," "soldiers," and
16 "sailors," singular or plural, used in this act, shall be
17 held to include commissioned officers.

1 SECT. 3. All persons specifically referred to, and
2 to or for whom state aid is paid under any special
3 act or resolve now in force, shall be held to belong
4 to their appropriate classes under this act, — namely,
5 soldiers and sailors to the first class, and the depend-
6 ent relatives of soldiers and sailors to the second
7 class, — notwithstanding the limitations of such
8 classes; and state aid may be paid to or for such per-
9 sons after the first day of January, eighteen hundred
10 and eighty, in the same manner and under the same
11 limitations that state aid is paid to other persons of
12 their respective classes under this act. All special
13 acts and resolves granting state aid are hereby re-
14 pealed, the repeal thereof to take effect on the first
15 day of January, eighteen hundred and eighty; but
16 no state aid shall be paid under any such special act
17 or resolve to or for any child over fourteen years of

18 age of any soldier or sailor after the passage of this
19 act, nor to any child of any soldier or sailor after the
20 first day of September in the current year: *provided*,
21 *however*, that this section shall not be held to apply
22 to or to refer to chapter two hundred and fifty-two of
23 the acts of the year eighteen hundred and seventy-
24 nine, nor to any resolve specifically granting an an-
25 nual sum to any soldiers or sailors for life, or for a
26 term of years specified in such resolve.

1 SECT. 4. No state aid shall be paid under this
2 act to or for any person of the first class to an
3 amount exceeding three-fourths of the monthly
4 amount of his pension, nor more than six dollars
5 in any one month; and, if pensioned as a commis-
6 sioned officer, he shall only be paid such proportion
7 of state aid as he would be entitled to receive if his
8 pension were based upon the rank of a private.

9 No state aid shall be paid under this act to or for
10 any person of the second, third, or fourth classes, to
11 an amount exceeding four dollars in any one month;
12 and no more than eight dollars shall be paid to or
13 for all the dependent relatives of any one soldier or
14 sailor in any one month.

1 SECT. 5. All aid furnished under this act shall
2 be paid to or for the persons for whom it is intended
3 for their future benefit; and no assignment thereof
4 shall be valid or recognized, and it shall not be
5 subject to trustee process. No back state aid shall
6 be paid. No greater sum shall be paid to or for any
7 person under this act than shall be necessary to

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8 furnish such person reasonable relief; and no aid
9 shall be paid under its provisions to or for any
10 person competent to support himself or herself, or
11 in receipt of income, or in ownership of property,
12 sufficient for his or her own support, nor to or for
13 any person more than is necessary in addition to the
14 income and property of such person for his or her
15 personal relief, and to prevent actual suffering.

16 No aid shall be paid under this act to or for any
17 pensioner or dependent relative when the necessity
18 therefor arises from the continuance in vicious or
19 intemperate habits of said pensioner, or of the soldier
20 or sailor on whose account the same is paid. No
21 aid shall be paid under this act to or for any person
22 convicted of any criminal offence, unless or until the
23 municipal authorities and the commissioners of state
24 aid otherwise determine.

1 SECT. 6. Persons making application for aid
2 in any city or town under this act shall, as a
3 basis for the first payment thereof, state in writing,
4 under oath, the age and residence of the party for
5 whom such aid is claimed; the relation of the claim-
6 ant to the party who rendered the service for which
7 aid is claimed; the company and regiment, or the
8 vessel, if any, in which the officer, soldier, or sailor
9 enlisted, and in which he last served; the date and
10 place of such enlistment, when known; the duration
11 of such service, and the reason upon which the
12 claim for aid is founded; and furnish such official
13 certificates of record, evidence of enlistment, service,
14 and discharge, as may be required. Municipal au-

15 thortities granting to such claimant any subsequent
16 aid shall from time to time make such investigation
17 into the necessities of said claimant and the facts of
18 the case as to preclude any payment thereof contrary
19 to the terms of this act. The original papers in
20 each case shall be filed with the commissioners of
21 state aid if required.

22 It shall be the duty of the auditor to furnish from
23 time to time to each city and town a sufficient num-
24 ber of suitable blank forms for the use of applicants
25 for aid under this act.

1 SECT. 7. The commissioners of state aid, appoint-
2 ed under chapter two hundred and fifty-two of the
3 acts of the year eighteen hundred and seventy-
4 nine, shall perform the duties of such commissioners
5 under this act. Said commissioners shall constitute
6 a board of appeal for invalid pensioners to decide
7 upon all disputed questions relating to claims for
8 aid arising between them and the municipal au-
9 thorities under this act. Their decisions shall be
10 final upon the points in question. Said commission-
11 ers may, upon appeals, decide, or refuse to decide,
12 upon the necessity of the claimant for the aid; and if
13 they shall decide upon that question, and that he is
14 in all respects entitled to aid under this act, they
15 may authorize its monthly payment to him according
16 to this act, under such limitations as they may im-
17 pose, for a term not exceeding one year, but not
18 after this act shall become void.

19 Said commissioners shall investigate all payments
20 of state aid under this act, so far as the interests of
21 the Commonwealth may require.

22 Said commissioners may, with the consent of the
23 governor, appoint, as occasion may require, a disin-
24 terested person, whose duty it shall be to investigate
25 any claim or claims made against the Commonwealth
26 for reimbursement under this act, who may examine
27 any persons to or for whom state aid has been paid
28 under this act, and investigate the reasons therefor,
29 and all matters relating to the granting of such aid,
30 and report his doings to said commissioners. The
31 reasonable expenses of the commissioners, and the
32 expenses and compensation of any such disinterested
33 person approved by said commissioners, and allowed
34 by the governor and council, shall be paid from the
35 treasury of the Commonwealth.

1 SECT. 8. When any sum shall have been ex-
2 pended under and according to this act, the full
3 amount so expended, the ages and names of the
4 persons aided and the classes to which they severally
5 belong, and the several sums paid to or for each
6 person, and the reasons for the expenditure in each
7 case, and the names of the persons on account of
8 whose services the aid was granted, and the names
9 of the regiments and vessels, if any, in which they
10 respectively enlisted and in which they last served,
11 and the relationship of each dependent relative aided
12 to the person on account of whose services the aid
13 was granted, with such other details as the com-
14 missioners of state aid may require, shall be certified
15 under oath to the auditor, in manner approved by
16 him, by the mayor and a majority of the board of
17 aldermen of any city, or by a majority of the select-

18 men of any town, disbursing the same, within ten
19 days after the first day of the month next after the
20 expenditure is made ; and the commissioners of state
21 aid shall examine the certificates thereof, and allow
22 and indorse upon the same such sums as in their
23 judgment have been paid and reported according to
24 this act. In the allowance of said commissioners,
25 they may consider and decide upon the necessity of
26 the amount paid in each case, and they may allow
27 any portion thereof which they may deem proper
28 and lawful ; but they shall allow and indorse the
29 sums they have specifically authorized to be paid
30 under and according to their decisions authorized
31 and provided for by section seven. The sums
32 legally paid as aforesaid, and so allowed and in-
33 dorsed by said commissioners, shall be reimbursed
34 from the treasury of the Commonwealth to the sever-
35 al towns and cities expending the same, on or before
36 the first day of December in the year next after
37 the year in which the same have been paid ; but
38 none of the expenses attending the payment of state
39 aid shall be reimbursed.

1 SECT. 9. Moneys paid under this act shall be
2 held to be military aid, and the payment thereof to
3 or for any person shall create in him no disqualifica-
4 tion to vote.

1 SECT. 10. The provisions of this act shall con-
2 tinue in force until the first day of January, eighteen
3 hundred and eighty-five, and no longer ; and no spe-
4 cial act or resolve hereafter passed granting state aid

5 to persons therein named, or their dependent rela-
6 tives, shall continue in force after that date, unless
7 otherwise expressly provided. But the expiration
8 of this act shall not be held to revive any act or
9 resolve, or any part thereof, in this act repealed.

1 SECT. 11. Chapter one hundred and ninety-two
2 of the acts of the year eighteen hundred and
3 seventy-seven is hereby repealed; but this act shall
4 not be held to revive any act or resolve, or any part
5 thereof, heretofore repealed; and wherever, in sec-
6 tion three of chapter two hundred and fifty-two of
7 the acts of the year eighteen hundred and seventy-
8 nine, reference is made to said chapter one hundred
9 and ninety-two, such reference shall be held to be
10 made to this act in place thereof.

1 SECT. 12. This act shall take effect upon the
2 first day of June in the current year.