

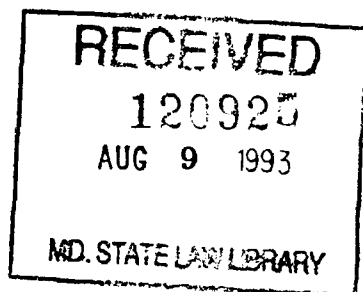
4500
SOURCE *Act*

MARYLAND DIGEST 2d

VOLUME 5

**BANKRUPTCY ↻2281 — BUILDING
AND LOAN ASSOCIATIONS**

COVERING CASES FROM
STATE AND FEDERAL COURTS



ST. PAUL, MINN.
WEST PUBLISHING CO.

BOUNTIES

SUBJECTS INCLUDED

Pecuniary premiums offered by government to all persons enlisting in the public service, or engaging in particular industries, or performing specified services for the public benefit

Acceptance of such offers and performance of conditions thereof or services required

Proceedings to obtain and payment of such bounties

SUBJECTS EXCLUDED AND COVERED BY OTHER TOPICS

Bounty lands, see PUBLIC LANDS

Pensions for past services, see PENSIONS

Retirement benefits, see ARMED SERVICES, STATES and other specific topics

Rewards offered for performance of single and special services, see REWARDS

For detailed references to other topics, see Descriptive-Word Index

Analysis

- ②1. Enlistment in army.
2. Destruction of enemy's vessel.
3. Vessels engaged in fisheries.
4. Manufacture of salt.
5. Sinking artesian wells.
6. Planting trees and hedges.
7. Production of sugar.
8. Destruction of wild animals.

For later cases, see same Topic and Key Number in Pocket Part

☞ 1. Enlistment in army.

Library references

C.J.S. Bounties § 1 et seq.

D.C.Md. 1940. The Administrator of the Veterans' Bureau has exclusive authority to pass on all claims for payment of adjusted compensation certificates, and his decision is final unless wholly without evidential support, or wholly dependent upon a question of law, or clearly arbitrary or capricious. 38 U.S.C.A. §§ 101(1), 210(a), 210(b); Act May 19, 1924, § 310 as added July 3, 1926, § 4(b), 44 Stat. 828.

U.S. v. Brownley, 34 F.Supp. 923.

Where Administrator of the Veterans' Bureau after extensive investigation determined that veteran was dead and that payment should be made to beneficiary named in veteran's adjusted service certificate, determination of Administrator was within scope of his authority and was not arbitrary and capricious, and government was bound by Administrator's determination even though erroneous, in absence of evidence of fraud on part of beneficiary. 38 U.S.C.A. §§ 101(1), 210(a), 210(b); Act May 19, 1924, § 310 as added July 3, 1926, § 4(b), 44 Stat. 828; Act May 19, 1924, §§ 303, 505, 703, 43 Stat. 124, 128, 131.

U.S. v. Brownley, 34 F.Supp. 923.

Md. 1936. Federal statute, prohibiting assignment of disabled World War Veterans' compensation and support allowances, should be construed broadly in favor of disabled soldiers to fulfill its purpose to guard them against imposition or depletion of their support by their own improvidence. World War Veterans' Act 1924, § 22, 38 U.S.C.A. § 454; 38 U.S.C.A. § 1 et seq.

Yake v. Yake, 183 A. 555, 170 Md. 75.

"Assignment," for purpose of determining whether agreement is prohibited assignment of disabled World War Veteran's government compensation, is allotment or apportionment of title to or interest in property to particular person or use or for particular time or a transfer or setting over of property or some right or interest therein from one person to another. World War Veterans' Act 1924, § 22, 38 U.S.C.A. § 454; 38 U.S.C.A. § 1 et seq.

Yake v. Yake, 183 A. 555, 170 Md. 75.

Purpose of World War Veterans' Act, one section of which prohibits assignments of, protects from creditors' claims, and exempts from taxation, compensation and support allowances payable thereunder, is to afford continuous support of persons suffering because of their military service. World War Veterans' Act 1924, 38 U.S.C.A.; § 22, 38 U.S.C.A. § 454; 38 U.S.C.A. § 1 et seq.

Yake v. Yake, 183 A. 555, 170 Md. 75.

Disabled World War veteran's agreement, embodied in decree annulling his marriage, to pay wife stated percentage of his government compensation, held void under federal statute as "assignment" of such compensation. World War Veterans' Act 1924, § 22, 38 U.S.C.A. § 454; 38 U.S.C.A. § 1 et seq.

Yake v. Yake, 183 A. 555, 170 Md. 75.

Md. 1879. The Act of 1864, ch. 15, authorized the Governor to offer a bounty to persons volunteering to serve as a part of the quota of this State in the armies of the United States; a portion of the amount to be paid at the time of being mustered into service, a portion at the end of each month of service for the five months immediately ensuing, and the balance at the expiration of the time of service or upon honorable discharge therefrom. By said Act the Commissioners for the several counties, and the Mayor and City Council of Baltimore, "upon forwarding to the Governor properly authenticated lists, of volunteers mustered under this Act, in their respective counties and the City of Baltimore, are hereby authorized and empowered upon the certificate of the Governor to draw upon the Treasurer for the sum or sums necessary to pay the cash and monthly payments to which said volunteers would be entitled as the same may become due, retaining in the Treasury the balance until the expiration of their terms of service." A large number of such lists duly authenticated by the proper military officials, and termed "Governor's Rolls," were forwarded to the Governor. Upon the receipt of each the Governor appended thereto his certificate, directed "To the Mayor and City Council of Baltimore," certifying the authenticity of the list, and that the volunteers mentioned therein, were properly to be credited to the City of Baltimore, and that "you" are entitled to receive from the Treasury of the State the amount specified in the certificate as required to make the cash and monthly payments to the volunteers named in the list; and that "you are therefore authorized to draw upon the Treasurer of the State for said amount as per draft hereto annexed, which you will sign and present at the Treasury." Payment of such amount was in each case made upon a draft endorsed upon the certificate, and signed by "J.A.T., City Register," each draft stating that the amount drawn for was "required to make the cash and monthly payments to the" * * * "volunteers within named under the provisions of the Act" of 1864. Held, that this action was in strict compliance with the provisions of the Act of 1864, by the terms of which the money so drawn from the treasury, should be applied only for the purpose of making the requisite payments to or for the benefit of the persons whose names should appear on the list thus forwarded to and certified by the Governor.

State v. City of Baltimore, 52 Md. 398.

For references to other topics, see Descriptive-Word Index

By a resolution of the Mayor and City Council, the Register was authorized to employ an additional clerk to assist him in discharging the duty of disbursing bounty money under Act of 1864, ch. 15. This clerk, together with the Register himself, who made most of the disbursements, and his successor in office who made the rest, all testified to the effect that it was the invariable practice of the Register's office to require proper and sufficient powers of attorney, orders, or assignments, and in all cases of doubt to consult the City Counsellor; that such orders or powers of attorney were in all cases before them when disbursements were made thereon; and that in no case would any payment have been made without the production and existence of such vouchers. The testimony of these Registers and their clerk was corroborated by that of a large number of witnesses who had dealings with the office and to whom payments were made upon powers of attorney not produced in evidence. Held, that this proof was sufficient to establish the fact, that vouchers which the Register in good faith decided to be sufficient to authorize payments thereunder, in cases where they had not been produced, and were alleged to be lost, once existed and that the loss of these papers, and an unavailing and sufficient search for them in the places where they were kept, and where they ought to have been found if in existence, were sufficiently established by the proof to render the testimony of said witnesses admissible to prove the contents of these lost vouchers; and that under the circumstances of the case their contents were sufficiently proven, to justify the exoneration of the city from liability for the payments in dispute made thereunder.

State v. City of Baltimore, 52 Md. 398.

The Act of 1864, ch. 15, authorizing offer of bounty for enlistment in army, provides "That the County Commissioners and the Register of the City of Baltimore shall disburse the sums so coming into their hands, and shall keep a record thereof; but no County or the City of Baltimore shall draw for and be paid a larger sum than may be necessary for their respective quotas; and the several Counties and the City of Baltimore shall be liable to the State for any misapplication of the said funds by the County Commissioners or the City Register. In an action by the State against the Mayor and City Council of Baltimore, it was held, that it was competent as well as just for the Legislature to impose upon the Counties and the City of Baltimore liability for the default of such officers, elected by the people of the counties, or appointed by the Mayor and City Council of Baltimore, as it might designate as the proper agents to disburse the said money in the mode and manner provided.

State v. City of Baltimore, 52 Md. 398.

That disbursements to parties whose names do not appear on the "Governor's Rolls," or payment to the same person more than once, were misappropriations within the meaning of Act of 1864, ch. 15, authorizing offer of bounty for enlistment in army for which the city was properly liable.

State v. City of Baltimore, 52 Md. 398.

Under Act of 1864, ch. 15, authorizing the offer of bounties for enlistment in the army whether payment should be made to each volunteer in person, or upon his order, and whether such order should be in writing, and how evidenced, were all matters intrusted to the discretion of the Register, and his decision thereon, if honestly made, was final.

State v. City of Baltimore, 52 Md. 398.

Where the disbursements in controversy were all made under the provisions of the Act of 1864, ch. 15, providing for bounties for enlistment in the army the Register could not be required under the Act of 1867, ch. 167, to produce any different vouchers from those he was required by the Act of 1864 to keep.

State v. City of Baltimore, 52 Md. 398.

A register empowered to make certain disbursements of bounty money, a clerk whom the register was authorized to employ, and the successor in office of the register, all testified that it was the invariable practice of the register's office in disbursing bounty money to require sufficient powers of attorney, orders, or assignments, and, in all cases of doubt, to consult the city counselor; that such orders were in all cases before them when disbursements were made thereon. The testimony of these registers and their clerk was corroborated by that of witnesses who had dealings with the office, and to whom payments were made upon powers of attorney not produced in evidence. Held, that this proof was sufficient to establish the fact that vouchers which the register in good faith decided to be sufficient, in cases where they had not been produced and were alleged to be lost, once existed.

State v. City of Baltimore, 52 Md. 398.

Where the mayor and council of a city are authorized to draw money from the state for the payment of bounties, it rests in the discretion of the register whether payment shall be made to the volunteer in person or upon his verbal or written order.

State v. City of Baltimore, 52 Md. 398.

Under Acts 1864, c. 15, making the city of Baltimore liable for misapplication of public money in the hands of its officers for the payment of bounties, payment to the same person more than once, or to a person whose name does not appear on the "Governor's Rolls," is a misapplication, for which the city is liable.

State v. City of Baltimore, 52 Md. 398.

For later cases, see same Topic and Key Number in Pocket Part

Md. 1869. Recovery cannot be had against a draft association formed for the purpose of relieving a district from a draft for military purposes by one who enlisted without regard to the bounty offered by such association, and with the full knowledge that he would not receive it if he did so enlist, and who was induced to enlist by the hope of receiving the state and county bounties.

Sparrow v. Grove, 31 Md. 214.

The defendant was the treasurer of a Draft Association, and was sued by the plaintiff (who had enlisted and been credited to the district in which the association was formed,) for the sum agreed to be paid by said association to each person so enlisting. Held, the plaintiff was not entitled to recover if he enlisted without regard to the bounty offered by the association, and with the full knowledge that he would not receive it if he did enlist, and was wholly induced to enlist by the expectation of receiving the State and County bounties alone.

Sparrow v. Grove, 31 Md. 214.

It was not necessary to a recovery by the plaintiff, that a direct request should have been made of him to enlist. The publication of a notice that the association or its committee would pay the sum named therein for each person volunteering or furnishing a substitute to the credit of the district, was, in effect and in law, a request by the association.

Sparrow v. Grove, 31 Md. 214.

To have entitled him to recover, it was necessary for the jury to find the existence of a contract between the draft association, or its agents and the plaintiff, made up by the offer of the former of a bounty to each volunteer, and an acceptance of said offer by the plaintiff, by enlisting in consideration of said offer, to the credit of the district.

Sparrow v. Grove, 31 Md. 214.

If the defendant, at the time of the institution of the suit, had money in his hands which had been raised to pay bounties to volunteers, and persons furnishing substitutes, which should be credited to the quota of the district, it would be liable to the claim of the plaintiff, if he had enlisted to the credit of the district in consequence of the offer of the district bounty.

Sparrow v. Grove, 31 Md. 214.

Md. 1869. Acts 1864, cc. 15, 373, authorize a bounty of \$300 to volunteers who enlist before April 1, 1864, to serve for three years. Acts 1865, c. 33, provides the same bounty for volunteers under the call of December 19, 1864, or subsequent calls. Acts 1867, c. 372, extends the bounty provisions of the two former acts to all who enlisted between April 1, 1864, and December 18, 1864. Held, that one who enlisted October 21, 1864, for one year, and served

until he was honorably discharged, is entitled to a bounty of \$300.

Leonard v. Wiseman, 31 Md. 201.

W entered the military service of the United States on the 21st of October, 1864, as a volunteer, and was at that time duly enrolled to serve for one year as a private in Company C, 11th Regiment Maryland Volunteers, was regularly mustered into the service of the United States, and was accredited to the quota of Maryland, under the call of the President of July 18th, 1864. He continued to serve the United States in that capacity till honorably discharged. Held, that under the Act of 1867, ch. 372, relating to the payment of bounties to volunteers and drafted men, W is entitled to a bounty of \$300.

Leonard v. Wiseman, 31 Md. 201.

Md. 1868. C. enlisted in Baltimore City in a regiment of United States colored troops,—a regiment raised in the city and credited as a part of the quota of the city,—under the call of the President, dated the 1st of February, 1864, for five hundred thousand men; he was mustered into service on the 11th of August, 1863, and was honorably discharged in May, 1866. The City of Baltimore passed an Ordinance, entitled, "An Ordinance to provide for the defense of the city, by encouraging the enlistment of volunteers in the several regiments now in the field, or now being raised by order of the President of the United States, under the late call for five hundred thousand men, by paying a bounty to such volunteers as have enlisted or may enlist in the City of Baltimore, to make up the quota apportioned to said city." Approved 16th of February, 1864. Held, that C., having enlisted and been mustered into the service of the United States, prior to the call of the President for five hundred thousand men, is not entitled to the bounty of \$200, provided for by the Ordinance.

Clark v. Baltimore, 29 Md. 277.

A soldier who enlisted in the United States service, in a regiment raised and credited as a part of the quota of the city under the call of the President February 1, 1864, and who was previously mustered into service of the United States, August 11, 1863, and was honorably discharged in May, 1866, was not entitled to the bounty under the ordinance entitled "An ordinance to provide for the defense of the city by encouraging the enlistment of volunteers," etc., approved February 16, 1864.

Clark v. Baltimore, 29 Md. 277.

Md. 1867. In Acts 1865, cc. 33, 106, which provide for the payment of bounties to enlisted volunteers, their "authorized agents or attorneys," attorneys must be construed to include assignees.

Eichelberger v. Sifford, 27 Md. 320.

For references to other topics, see Descriptive-Word Index

To an action for the bounty of a soldier by an assignee for a valuable consideration subsequent desertion is no defense.

Eichelberger v. Sifford, 27 Md. 320.

The desertion of a person who had enlisted and been enrolled in the army of the United States under the call of the President, and who for a valuable consideration assigned the State bounty to which he was entitled, is no bar to the payment of the same to his assignee.

Eichelberger v. Sifford, 27 Md. 320.

⚡2-4. *For other cases see the Decennial Digests and WESTLAW.*

Library references

C.J.S. Bounties.

⚡5. **Sinking artesian wells.**

Library references

C.J.S. Bounties § 19.

Md. 1879. Acts 1864, c. 15, relating to bounties, empowered the commissioners of counties and mayor and council of Baltimore to draw from the state treasurer sums of money, and imposed upon the counties and the city a liability for the misapplication of any part thereof. Held, that the legislature could properly impose such liability.

State v. City of Baltimore, 52 Md. 398.

⚡6-8. *For other cases see the Decennial Digests and WESTLAW.*

Library references

C.J.S. Bounties.

**For later cases
see
Same Topic and Key Number
in Pocket Part**