

3-307.

IMPORTANT



TO GUARDIANS OF PENSIONERS OF THE UNITED STATES.

Section 4766 U. S. R. S., as amended by the Act of August 8, 1882, provides: * * * "But the payments to persons laboring under legal disabilities *may* be made to the guardians of such persons in the manner herein described * * *."

Sections 4783 and 5486 U. S. R. S., as amended by the Act of February 10, 1891, provides: "That sections 4783 and 5486 of the Revised Statutes be, and the same are hereby, so amended as to read as follows: 'Every guardian, conservator, curator, committee, tutor, or other person having charge and custody in a fiduciary capacity of the pension of his ward, who shall embezzle the same in violation of his trust, or fraudulently convert the same to his own use, shall be punished by fine not exceeding two thousand dollars or imprisonment at hard labor for a term not exceeding five years, or both, at the discretion of the court.'"

In case of *United States v. Hall* (98 U. S. 343) the Supreme Court used the following language: "Power to protect the fund (pension) from misappropriation, fraud, and unauthorized conversion to the use of another, and to secure its safe and unimpaired transmission to the beneficiary has been claimed and exercised through the whole period since Congress under the Constitution commenced to grant such bounties. * * * The United States, as the donors of the pensions, may, through the legislative department of the Government, annex such conditions to the donation as they see fit to insure its transmission unimpaired to the beneficiary. The guardian no more than the agent or attorney of the pensioner, is obliged by the laws of Congress to receive the fund; but if he does he must accept it subject to the annexed conditions. The word 'guardian' as used in the Acts of Congress, is merely the designation of the person to whom the money granted may be paid for the use and benefit of the pensioners. The fund proceeds from the United States, and inasmuch as the donation is a voluntary gift, the Congress may pass laws for its protection certainly until it passes into the hands of the beneficiary."

In order that the Commissioner of Pensions may determine whether payments of pensions to the guardians or committees of pensioners are being properly disbursed, the attached form of account will be required, correctly filled in and executed, with the voucher *next preceding the first day of January of each year*. In cases of failure to submit the account, payment on the voucher with which it is required and all subsequent payments will be withheld pending receipt of the account. In cases where the disbursements do not meet with the approval of the Commissioner of Pensions, payments will be withheld pending explanations by the guardians or committees, or pending such other action as the facts may warrant.

The statement must not include, either in case of receipts or disbursements, any items belonging to the wards and coming to the attention of the guardians or committees from sources other than payments of pensions.

The accounting required herein has no bearing or relation to the requirements of the courts appointing guardians or committees as to accounting to the courts, nor to the evidence of such accounting required by pension agents when the annual payments of pensions amount to more than \$500 every two years.

(Signed)

McKay Brand
Commissioner of Pensions.

APPROVED:

E. A. Hitchcock

Secretary of the Interior.

6-1160

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