

3.

pension, which amounted to less than the sum of \$2, was paid to the appellant as a fee. In this appeal he contends that the balance of the fee of \$2 should be certified to him out of the pension which accrues in the claim under the act of February 6, 1907.

A fee can be paid only from the fund which accrues, or may accrue in the claim in which the fee is earned. See case of Thomas S. Bradford, 8 P. D., 139. Also the case of John C. Carter, 5 P. D., 90. The latter case is directly in point. The accrued pension amounted to 47 cents and the same was certified to the attorney as a fee. Upon appeal it was held that no greater sum could be certified as a fee for the reason that no greater fund had accumulated in the claim than the amount certified. The balance of the fee cannot be certified from the pension which has accrued, or may accrue, under the act of February 6, 1907, for the reason that said fund was not secured for the claimant under his contract with the appellant for prosecuting the claim under the act of June 27, 1890.

Action affirmed

The papers in the case are herewith returned.

Very respectfully,



Assistant Secretary.