An Act to provide for a System of Old Age Pensions to protect Citizens from Want in Old Age, and during the Maternity Period, Blindness, Invalidity, Disability or Unemployment.

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

PART I.—OLD AGE PENSIONS.

Right to receive Old Age Pensions.

1. Section 1. (1) Every person (woman or man) in whose case the conditions laid down by this act for the receipt of an old age pension (in this act referred to as statutory conditions) are fulfilled, shall be entitled to receive such a pension under this act so long as those conditions continue to be fulfilled, and so long as she or he is not disqualified under this act for the receipt of the pension.

2. An old age pension under this act shall be at the rate set forth in the schedule to this act, section thirteen.
(3) The sums required for the purposes of this act or its administration shall be paid out of moneys provided as required by the general court.

(4) The receipt of an old age pension under this act shall not deprive the pensioner of any franchise, right or privilege, or subject her or him to any disability.

**Statutory Conditions.**

Section 2. The statutory conditions for the receipt of an old age pension are:

1. (1) The person, if a woman, must have attained the age of sixty; if a man, must have attained the age of sixty-five.

2. (2) A person shall be deemed to have attained the age of sixty or sixty-five on the commencement of the day previous to the sixtieth or sixty-fifth anniversary, as the case may be, of the day of her or his birth.

3. (3) The person must satisfy the pension authorities that for at least twenty years up to the date of the receipt of any sum on account of a pension she or he has been a citizen of the commonwealth, and that for at least fifteen years in the aggregate up to the date of the receipt of any sum on account of a pension she or he has had her or his residence in the commonwealth: provided, that for the purpose of computing the fifteen years’ residence in the commonwealth under this provision —

(a) Any period spent abroad in any service of the United States, the remuneration for which is
24 paid out of moneys provided by the national government, or as the wife or servant of a person in any such service so remunerated; and
27 (b) Any periods spent abroad by any person during which that person has maintained or assisted in maintaining any dependent in the commonwealth; and
31 (c) Any period of temporary absence not exceeding three months in duration at any one time — shall be counted as residence in the commonwealth.

35 (4) The condition as to nationality imposed by paragraph three of this section two shall not be required to be fulfilled in the case of a woman who satisfies the pension authorities that she would, but for her marriage with an alien, have fulfilled the condition, and that, at the date of a receipt of any sum on account of a pension, the alien is dead, or the marriage with the alien has been dissolved or annulled, or she has, for a period of not less than two years up to the said date, been legally separated from, or deserted by, the alien.

47 (5) The person must satisfy the pension authorities that her or his yearly means as calculated under this act do not exceed three hundred and twelve dollars.

Disqualifications.
1 Section 3. (1) A person shall be disqualified for receiving or continuing to receive an old age pension under this act, notwithstanding the fulfilment of the statutory conditions —
(a) While she or he is in receipt of any poor relief (other than relief excepted under this provision), and until the first day of July, nineteen hundred and twenty—unless the general court otherwise determines, if she or he has at any time since the first day of January, nineteen hundred and twenty, received or hereafter receives, any such relief: provided, that for the purpose of this provision—

Any medical or surgical assistance (including food or comforts) supplied by or on the recommendation of a medical officer; or

Any relief given to any person by means of the maintenance of any dependent of that person in any lunatic asylum, infirmary or hospital, or the payment of any expenses of the burial of a dependent; or

Any relief (other than medical or surgical assistance, or relief hereinbefore specifically exempted) which by law is expressly declared not to be a disqualification or a reason for depriving any person of any franchise, right or privilege—shall not be considered as poor relief.

(b) If, before she or he becomes entitled to a pension, she or he has habitually failed to work according to her or his ability, opportunity and need for the maintenance or benefit of herself or himself and those legally dependent upon her or him: provided, that a person shall not be disqualified under this paragraph if such person has continuously for ten years up to the attaining of the age of fifty, if a woman, or fifty-five, if a man, by means of payments to any corporation,
38 societies, or trade unions, or other approved steps, 39 made such provision against old age, sickness, 40 infirmity or want from loss of employment as 41 may be recognized as proper provisions for the 42 purpose by regulations under this act; and any 43 such provision, when made by the husband in the 44 case of a married couple living together, shall, 45 as respects any right of the wife to a pension, 46 be treated as provision made by the wife as well 47 as by the husband.

48 (c) While she or he is detained in any asylum 49 of the commonwealth's, or while she or he is being maintained in any place as a needy poor or 50 criminal lunatic.

52 (d) During the continuance of any period of 53 disqualification arising or imposed in pursuance 54 of this section in consequence of conviction for an 55 offence.

56 (e) Any rule of law and any enactment, the 57 effect of which is to cause relief given to or in 58 respect of a wife or relative to be treated as relief given to the person liable to maintain the wife 59 or relative, shall not have effect for the purpose 60 of this section.

62 (2) Where a person has been, before the passing 63 of this act, or is, after the passing of this act, 64 convicted of any offence, and ordered to be imprisoned without the option of a fine or to suffer 66 any greater punishment, she or he shall be disqualified for receiving or continuing to receive 68 an old age pension under this act while she or 69 he is detained in prison in consequence of the 70 order, and for a further period, not exceeding
three years, after the date on which she or he is released from prison, if the court so directs: provided, however, that in cases where the term by which a person has been ordered to be imprisoned without the option of a fine does not exceed six weeks, one year shall be substituted for three years as the further maximum period of disqualification.

(3) Where a person, woman of sixty or upwards, or a man of sixty-five years of age or upwards, having been convicted or committed before any court is liable to have a detention or commitment order made against her or him as one needing medical or other attention or examination, and is not necessarily, by virtue of the provisions of this act, disqualified for receiving or continuing to receive an old age pension under this act, the court may, if it thinks fit, order that the person convicted be so disqualified for such period, not exceeding three years, as the court directs.

(4) Any person in receipt of an old age pension who is convicted as an inebriate shall be disqualified for receiving or continuing to receive and old age pension for a period of three months after the date of her or his conviction, unless the court before whom she or he is convicted directs to the contrary.

Calculation of Income or Means.

Section 4. (1) In calculating the means of a person for the purpose of this act account shall be taken of —
4 (a) The yearly value of any property (not being property personally used by her or him) which is invested, or otherwise put to profitable use, by her or him, or which, though capable of investment or profitable use, is not so invested, or put to profitable use by her or him, the yearly value of that property being taken to be one-twentieth part of the capital value thereof.

12 (b) The income which that person may reasonably expect to receive during the succeeding year in cash, excluding any sums receivable on account of an old age pension under this act and excluding any sums arising from the investment or profitable use of property (not being personally used or enjoyed by her or him), that income, in the absence of other means for ascertaining the income, being taken to be the income actually received during the preceding year.

22 (c) The yearly value of any advantage accruing to that person from the use or enjoyment of any property belonging to her or him which is personally used or enjoyed by her or him, except furniture and personal effects in a case where the total value of the furniture and effects does not exceed three hundred and fifty dollars.

30 (d) The yearly value of any benefit or privilege enjoyed by that person, except board and lodging voluntarily allowed by relatives: provided, that where under paragraph (a) of this section the yearly value of any property is taken to be one-twentieth part of the capital value thereof, no account shall be taken under any other of
those provisions of any appropriation of that property for the purpose of current expenditure.

(2) In calculating the means of a person being one of a married couple living together in the same house, the means shall be taken to be half of the total means of the couple.

(3) If it appears that any person has directly or indirectly deprived herself or himself of any income or property in order to qualify herself or himself for the receipt of a pension, or for the receipt of an old age pension at a higher rate than that to which she or he would otherwise be entitled under this act, that income or the yearly value of that property shall, for the purposes of this section, be taken to be part of the means of that person.

Time of Payment.

Section 5. (1) An old age pension under this act, subject to any directions of the central pension authority and of the treasurer of the commonwealth in special cases, shall be paid weekly in advance in such manner and subject to such conditions, as to identification or otherwise, as the treasurer and the central pension authority direct.

(2) A pension shall commence to accrue on the first Friday after the claim for a pension has been allowed, or, in the case of a claim provisionally allowed, on the first Friday after the day on which the claimant becomes entitled to receive the pension.
(3) After the first day of March, nineteen hundred and twenty, the central pension authority shall, if the facts warrant, date a pension back to, but not beyond, the date of claim, application or question of a person.

(4) A sum shall not be paid on account of an old age pension—

(a) To any person while absent from the commonwealth; or

(b) If payment of the sum is not obtained within three months after date of which it has become payable.

Pensions Inalienable.

Section 6. Subject to this act, a pension shall be absolutely inalienable, and every assignment, sale, charge on or execution, and every agreement to assign or charge a pension under this act shall be void, and on the bankruptcy of a person entitled to a pension, the pension shall not pass to any trustee or other person acting on behalf of the creditors.

Claims for Pensions.

Section 7. (1) All claims for old age pensions under this act, and all questions whether the statutory conditions are fulfilled in the case of any person claiming such a pension, or whether those conditions continue to be fulfilled in the case of a person in receipt of such a pension, or whether a person is disqualified for receiving or continuing to receive a pension, shall be considered and determined as follows:
(a) Any such claim shall stand referred to the local pension committee, and the committee shall (except in the case of a question which has been originated by the pension officer, and on which the committee had already his report), before considering the claim or question, refer it for report and inquiry to the pension officer.

(b) The pension officer shall inquire into and report upon any question or claim so referred to him, and the local pension committee shall, on the receipt of the report of pension officer, and after obtaining from him or from any other source if necessary any further information as to claim or question, consider the case and give their decision upon the claim or question.

(c) The pension officer or any person aggrieved may appeal to the central pension authority against the decision of the local pension committee allowing or refusing a claim for pension or determining any question referred to them within the time and in the manner prescribed by regulations under this act, and any claim or question in respect of which an appeal is so brought shall stand referred to the central pension authority, and shall be considered and determined by such authority.

(d) If any person is aggrieved by the refusal or neglect of a local pension committee to consider a claim for a pension, or to determine any question referred to them, that person may apply in the prescribed manner to the central pension authority, and that authority may, if it considers that the local pension committee have re-
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43 fused or neglected to consider and determine the
44 claim or question within a reasonable time, con-
45 sider and determine the claim or question in the
46 same manner as on an appeal from the decision
47 from the local pension committee.
48 (2) The decision of the local pension committee
49 on any claim or question which is not referred to
50 the central pension authority, and the decision of
51 the central pension authority on any claim, or ques-
52 tion which is so referred to them, shall be final
53 and conclusive.

Pension Authorities.

1 Section 8. (1) The central pension authority
2 shall be the insurance commissioner of the com-
3 monwealth.
4 (2) The central pension authority may from
5 time to time make such rules and regulations, not
6 inconsistent with the provisions of this act, as he
7 may deem necessary for the purpose of carrying
8 out its provisions.
9 (3) For the purpose of carrying out the pro-
10 visions of this act, the central pension authority
11 shall divide the commonwealth into pension dis-
12 tricts. He shall with the advice and consent of
13 the governor and council, appoint, and may with
14 their consent remove, a member of a local pen-
15 sion committee or a pension officer for each pen-
16 sion district, to assist him in such manner and
17 under such rules and regulations as he may from
18 time to time prescribe in the performances of his
19 duties hereunder.
20 (4) A member of a pension committee or a
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21 pension officer need not be a resident of the dis-
22 trict in which he is to serve: provided, that, so far
23 as practicable, preference shall be given to resi-
24 dents of their respective districts. The central
25 pension authority may transfer any member of a
26 pension committee or any pension officer from one
27 district to another, and may assign any such mem-
28 ber of a pension committee or such pension officer
29 to temporary or extraordinary service in any pen-
30 sion district.
31
32 (5) The salaries of members of local pension
33 committees and pension officers as well as other
34 assistants and clerks shall be fixed by the central
35 pension authority with the approval of the gover-
36 nor and council, and the members of the local
37 pension committees, pension officers, assistants
38 and clerks, shall be allowed such reasonable and
39 necessary travelling and other expenses incurred
40 in the performance of their duties as may be ap-
41 proved by the central pension authority and by the
42 governor and council.
43
44 (6) The central pension authority may also,
45 with the advice and consent of the governor and
46 council, appoint, and with their consent remove,
47 a deputy to be known as the pension deputy, who
48 shall receive such salary as the governor and
49 council may approve, and who, under the direction
50 of the central pension authority, shall have super-
51 vision and control of all work under this act; and
52 the central pension authority shall appoint such
53 additional clerical and other assistants to the pen-
54 sion deputy as the governor and council may ap-
55 prove.
(7) The aforesaid pension deputy, members of pension committees and pension officers shall have such duties and powers consistent with the provisions of this act as the central pension authority shall from time to time prescribe.

(8) Any reference in this act to pension authorities shall be construed as a reference to the pension officer, the local pension committee, and the central pension authority, or to any one of them, as the case requires.

False Representation.

Section 9. (1) If, for the purpose of obtaining or continuing an old age pension under this act, either for herself or himself or for any other person, or for the purpose of obtaining or continuing an old age pension under this act for herself or himself or for any other person at a higher rate than that appropriate to the case, any person knowingly makes a false statement or false representation, she or he shall be liable on conviction to imprisonment for a term not exceeding six months.

(a) Any court shall, however, have the power, in the case of a person convicted of an offence under subsection (1) of this section, to impose a fine not exceeding one hundred dollars instead of imprisonment, if it thinks that the justice of the case would be better met by a fine than by imprisonment.

(2) If it is found at any time that a person has been in receipt of an old age pension under this act while the statutory conditions were not fulfilled in her or his case, or while she or he was...
disqualified for receiving the pension, she or he, or, in the case of her or his death, her or his personal representative (if such personal representative becomes entitled to any sum or sums as a personal representative), shall be liable to repay to the treasurer of the commonwealth any sums paid to her or him in respect of the pension while the statutory conditions were not fulfilled, or while she or he was disqualified for receiving the pension, and the amount of those sums may be recovered as a debt due the commonwealth. This section shall also apply, with necessary modifications, to cases where an old age pension is received at a higher rate than that appropriate to the case, as it applies to cases where a person has been in receipt of an old age pension while the statutory conditions were not fulfilled.

(a) Any decision of the local pension committee under section seven on any question which is not referred to the central pension authority, and the decision of the central pension authority on any question which is referred to them under that section, shall be conclusive proof of any matters decided by the committee or the central pension authority.

(b) A copy of a decision of the local pension committee or central pension authority, if authenticated in manner provided by regulations to be made for the purpose under section eleven, shall be received in evidence.

(3) Where any person who is in receipt of an old age pension is liable to repay to the treasurer of the commonwealth any sums under this sec-
tion in consequence of the finding of a local pension committee, or of the central pension authority in the case of a question referred to them, the treasurer shall be entitled, without prejudice to his powers under subsection (2) of this section, to direct the deduction of those sums from any sums to which that person becomes entitled on account of an old age pension, in manner to be provided by regulations to be made for the purpose under section eleven of this act.

Question as to Pension Rate.

1 (1) It is hereby declared that a question may be raised at any time as to—
2 (a) Whether at any time or during any period a person has been in receipt of an old age pension when the statutory conditions were not fulfilled, or when he was disqualified for receiving the pension; and
3 (b) Whether a person has been at any time or during any period in receipt of a pension at a certain rate when his means exceeded the amount which justified the payment of a pension at that rate, and, if so, at what rate the pension, if any, should have been paid; and
4 (c) Whether a person who is in receipt of a pension at a certain rate is, having regard to his means, entitled to a pension at a higher or a lower rate, and, if so, at what rate the pension, if any, should be paid; and that an application may be made at any time to alter or revoke a provisional allowance of a claim for a pension.
5 (2) Section seven of this act shall apply to
22 any such question or application as it applies to
23 the questions mentioned in that section.
24  (3) Any such question may be raised notwith-
25 standing that the decision of the question in-
26 volves a decision of the local pension committee
27 or central pension authority, as the case may be;
28 but where by a later decision a former decision
29 is reversed, a person who has received any sums
30 on account of an old age pension in accordance
31 with the former decision shall, notwithstanding
32 anything in subsection (2) of section nine, in the
33 absence of any fraud on his part, be entitled to
34 retain any sum so received up to the date of the
35 later decision which he would have been entitled
36 to retain but for the reversal of the former de-
37 cision.
38  (4) Where a question is raised as to the dis-
39 qualifications of a person to receive an old age
40 pension, and it is alleged that the disqualification
41 has arisen since the person has been in receipt
42 of the pension, and that the disqualification is con-
43 tinuing at the time the question is raised, or, if it
44 has ceased, has ceased less than three weeks be-
45 fore that time, the payment of the pension shall
46 be discontinued, and no sum shall be paid to the
47 pensioner on account of the pension after the date
48 on which the question is raised: provided, that if
49 the question is decided in favor of the pensioner
50 she or he shall be entitled to receive all sums which
51 would have been payable to her or him if the
52 question had not been raised.
53  (5) If the decision on any question involves
54 the discontinuance of an old age pension, or the
55 reduction of the rate at which the pension is paid, 56 or if, in a case where the payment of the pen-
57 sion has been discontinued on the raising of the 58 question, the question is not decided in favor of 59 the pensioner, the person in respect of whose pen-
60 sion the decision is given shall not be entitled to 61 receive a pension or to receive a pension at a 62 rate higher than that determined by the com-
63 mittee or authority, as the case may be, notwith-
64 standing any change of circumstances, unless she 65 or he makes a fresh claim for the purpose and 66 the claim is allowed, or in a case where she or he 67 alleges that she or he is entitled to receive a pen-
68 sion at a higher rate, raises a question for the 69 purpose and the pension is allowed at a higher 70 rate.

Administration, Rules and Regulations.

1 Section 11. (1) The governor and council in 2 conjunction with the central pension authority 3 may make regulations as needed for carrying this 4 act into effect, and in particular —
5 (a) For prescribing the evidence to be required 6 as to the fulfillment of statutory conditions; and 7 (b) For prescribing the manner in which claims 8 to pensions may be made and where paid, and the 9 procedure to be followed on the consideration and 10 determination of claims and questions to be con-
11 sidered and determined by pension officers and 12 local pension committees, or by the central pen-
13 sion authority, and the mode in which any pen-
14 sion may be raised as to continuance, in the case 15 of a pensioner, of the fulfillment of the statutory
conditions, where applicable, and as to the dis-
qualifications of a pensioner; and
(c) As to the appointment of, number, quorum,
term of office and proceedings generally of the
local pension committee, and the appointment of
pension officers, and the use by the committee.
with or without payment, of any offices, and the
 provision to be made for the immediate payment
of any expenses of the committee, pension officers,
or other details necessary to carry out the pro-
visions of this act, and which are ultimately to
be paid by the commonwealth.
(2) The regulations shall provide for enabling
claimants or properly authorized persons to ob-
tain information as respects pensions under this
act through city or town clerks; and for provision-
ally allowing claims to pensions before the date on
which the claimant will become actually entitled
to a pension; and for notice being given by regis-
trars of births and deaths to the pension officers
or local pension committees of every death of a
woman over sixty and of a man over sixty-five
registered by them, in such manner and subject
to such conditions as may be laid down by the reg-
ulations; and for making the procedure for con-
sidering and determining on any claim for a pen-
sion or question with respect to pension under
this act as simple as possible.
(3) Any expenses incurred by the central pen-
sion authority or in carrying this act into effect
shall be defrayed out of the moneys provided by
the general court.
When entitled to Pension.

1. **Section 12.** (1) A person shall not be entitled to the receipt of a pension under this act until the first day of January, nineteen hundred and twenty, and no such pension shall begin to accrue until that day.

(2) This act may be cited as the Pensions Act of 192.

Combining Section.

1. **Section 13.** All sections of this act shall, where and when applicable, apply to all sections under part II of this act, but the central pension authority shall, when need requires it, suspend any section of the other parts of this act, except sections three and four of section two, to carry out the sections of this part of this act.

Pension Rate.

1. **Section 14.** Schedule:

<table>
<thead>
<tr>
<th>Means of Pensioner</th>
<th>Rate of Pension per Week</th>
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<tbody>
<tr>
<td>Where the yearly means of the pensioner as calculated under this act—Do not exceed $312,</td>
<td>$7.00</td>
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Part II. — Invalid Pensions.

Conditions.

1. **Section 15.** (1) Subject to this act, every person above the age of twenty years, who is permanently incapacitated for work by reason of an accident or by reason of his being an invalid, and who is not receiving an old age pension, shall,
6 while in this commonwealth, be qualified to re-
7 ceive an invalid pension.
8 (2) Subject to this act, every permanently blind
9 person above the age of twenty years, who is not
10 qualified under subsection (2) of this section to
11 receive an invalid pension, and who is not re-
12 ceiving an old age pension, shall, while in this
13 commonwealth, be qualified to receive an invalid
14 pension.
15 (3) Aliens shall not be qualified to receive an
16 invalid pension.
17 (4) No person shall receive an invalid pension
18 unless —
19 (a) She or he is residing in the commonwealth
20 on the date when she or he makes her or his
21 claim to the pension.
22 (b) She or he has on that date resided in the
23 commonwealth continuously for at least twenty
24 years.
25 (c) She or he has, while in this commonwealth,
26 become permanently incapacitated or blind.
27 (d) The accident or invalid state of health was
28 not self-induced, nor in any way brought about
29 with a view to obtaining a pension.
30 (e) She or he has no claim against any em-
31 ployer, company, corporation, or other person, or
32 body, compellable under private contract or law
33 to adequately maintain or compensate her or him
34 on account of accident or invalid state of health.
35 (f) Her or his relatives, namely, father, mother,
36 husband, wife, or children, do not, individually
37 or collectively, adequately maintain her or him.
38 (5) For the purpose of an invalid pension, a
person who is afflicted with a congenital defect, and who is rendered permanently incapacitated or blind thereby, shall be regarded as having become permanently incapacitated or blind while in the commonwealth if she or he was brought into the commonwealth before attaining the age of three years.

Amount of Invalid Pension.

1 Section 16. (1) The amount of an invalid pension shall in every case be determined by the schedule of means and pension amount allowed thereunder in section thirteen of this act, but the pension authorities shall determine each amount of pension, and with or without conditions, having regard to any contribution made to her or his maintenance, and having regard to her or his having received compensation from any source in respect of any injury.

(2) The pension authorities shall in the case of invalidity, and also in the case of accident where the permanent or temporary incapacity for work is not manifest, direct an examination of the claimant to be made by a duly qualified authority, who shall certify whether in his opinion the claimant is permanently or temporarily incapacitated for work, and shall state the grounds upon which his opinion is founded: provided, that the examination may be dispensed with if the claimant resides in a place remote from any duly qualified authority, or, where testimony conflicts, the central pension authority shall have the power to decide the application.
Maternity Benefits.

Section 17. Subject to this act, every woman in need, about to become a mother, shall, while in this commonwealth, be qualified to receive the maximum pension allowed under this act, and shall be furnished with all necessary aid, material or appliances during the maternity period.

(a) The maternity period of any pensioner shall not exceed nine weeks, of which six shall be subject to delivery of child, and any woman receiving a pension under this section must abstain from gainful employment during the payment period of such pension.

(b) In cases of extreme need of a pensioner under this section, the central pension authority or others authorized by him, may increase the amount for such pension period, but a pension for such period shall not exceed fifty dollars.

(c) All pensions under this section shall be payable to the pensioner unless, for cause, the central pension authority otherwise directs.

Section 18. Subject to this act, every person in need who is temporarily incapacitated for work, by reason of an accident or by reason of sickness, and who is not receiving an old age pension shall, while in this commonwealth, be qualified to receive the maximum pension allowed under this act during the period of such temporary incapacitation or disability; and shall be furnished with all necessary aid, material or appliances as the case requires.
11 (a) Any person receiving a pension under this section must abstain from gainful employment during the payment period of such pension.

Unemployment.

1 Section 19. The central pension authority shall, when need is shown, use any funds that are available under this act to relieve the distress of unemployment.

Part III. — Public Trustee.

1 Section 20. (1) Where any person who otherwise would be entitled to a pension under this act is the owner of the property on which she or he resides, she or he may convey or transfer the same to the central pension authority, who shall hold the same as a public trustee, and who shall deal with such property as directed by the rules and regulations to be made for such purposes under this act, and all provisions of this act, where applicable, shall apply to this section and such property or pension as shall come under this section.

13 (2) The property so conveyed or transferred shall not be deemed to form part of the accumulated property of the pensioner for the purposes of this act.

17 (3) The pension authorities shall permit the pensioner or pensioners to reside on the property rent free during life, and if the pensioner dies leaving a wife or husband who is also entitled to a pension, the survivor shall be entitled so to reside on the said property for life.
(4) While the pensioner or survivor aforesaid so resides she or he shall maintain the premises in good and substantial repair, and shall pay all taxes and other rates payable thereon.

(5) On the death of the pensioner or of the survivor aforesaid, or where from any cause the pensioner is no longer entitled to a pension, the central pension authority shall sell the property, and out of the proceeds thereof shall (after deducting the commission payable, to be defined under section eleven of this act) refund to the treasurer of the commonwealth so much of the pension paid to such pensioner or pensioners since the date of the conveyance or transfer as but for the operation of this section would not have been payable, together with interest thereon at the rate of four per centum per annum, and shall pay the balance, if any, to the person or persons entitled thereto: provided, that if at any time the pensioner or survivor aforesaid so desires, the central pension authority shall, on the payment of so much of the pension so paid as aforesaid, reconvey or transfer the property to the applicant or said survivor, as the case may be, and after the value of the property shall not be deducted from the capital value of the accumulated property of the pensioner as aforesaid, and her or his pension shall be adjusted accordingly.

(6) Notwithstanding anything in the last preceding subsection, on the death of the pensioner or of the survivor as aforesaid, the central pension authority shall, on the application of the person or persons who would have been entitled
to said property if it had not been so conveyed or transferred as aforesaid, and on payment to the applicant to the central pension authority of the amount of pension so paid in excess of the amount which would have been payable had no such conveyance or transfer been made, and also on payment of the amount of interest and commission as aforesaid, convey or transfer the property to said applicant.

(7) Upon the receipt of any moneys under the preceding subsections of this section the central pension authority shall forthwith pay the same to the treasurer of the commonwealth.

Burial of Pensioner.

Section 21. The central pension authority shall, where need is shown, provide any deceased pensioner with proper burial, following the wishes of the deceased if possible or the wishes of next of kin, but the total amount of cost of burial shall not exceed one hundred dollars.

Part IV. — Old Age Pension Fund.

Section 22. (1) The commonwealth shall establish an old age pension fund to be open forever, to receive contributions, gifts, escheats, unclaimed savings, bequests and any other form of property or money to be used for the purposes of this act.

(2) The treasurer of the commonwealth shall be the custodian of any property or moneys received under this act, subject to the direction of the central pension authority as directed by the
rules and regulations to be made for such pur-
poses under section eleven of this act.

(3) In order to have it known that this fund
has been established, the central pension authority
shall, from time to time, each year, advertise it
in a fitting manner in some of the various news-
papers in the commonwealth.