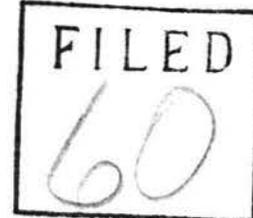


SOLDIERS' BONUS - Wife of deceased soldier may claim his bonus.

January 22, 1938

Honorable Lewis M. Means
The Adjutant General
Jefferson City, Missouri



Dear Sir:

We acknowledge your request of January 11, 1938 for an opinion, which reads as follows:

" Re: Pierce, Allen
Serial #3,775,998

The above named soldier died in service October 9, 1918. The widow of the above named soldier remarried after his death.

"This office desires an opinion as to whether or not a widow who remarries after the death of her soldier husband would be entitled to his Missouri Soldiers' Bonus."

Article IV, Section 44b of the Missouri Constitution provides in part:

" *** The wife *** of any deceased resident who served honorable in the military or naval forces, as provided in this section, shall be paid the sum or allowance that such deceased resident would be entitled to receive hereunder if such deceased resident had lived: *** "

Statutes pursuant to this constitutional provision are in the language of the Constitution.

The question turns on the statutory construction to be placed on the word "wife."

Section 655, R. S. Mo. 1929, provides in part:

"The construction of all statutes of this state shall be by the following additional rules, unless such construction be plainly repugnant to the intent of the legislature, or of the context of the same statute: First, words and phrases shall be taken in their plain or ordinary and usual sense, but technical words and phrases having a peculiar and appropriate meaning in law shall be understood according to their technical import;
*** "

CONCLUSION.

No language in the law prohibits the wife of a deceased soldier from being paid the Missouri bonus of her deceased husband should she remarry. To read into the law such a condition would be to add language not therein contained, and we believe not intended by the people.

The fact that one be the wife of a deceased soldier does not change her constitutional status should she remarry, and we are of the opinion that she is entitled to prove her claim for the bonus of her deceased husband.

Respectfully submitted,

WM. ORR SAWYERS
Assistant Attorney General

APPROVED:

J. E. TAYLOR
(Acting) Attorney General

WOS:FE