

SOLDIERS' BONUS: Residence for twelve months prior to April 6, 1917, should predicate all claims for Missouri bonuses.

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December 1, 1938



Hon. Lewis M. Means  
Adjutant General  
Jefferson City, Missouri

Dear General:

We acknowledge your request for an opinion dated October 24, 1938, which reads as follows:

"Re: Kirkpatrick, Everett L.  
Claim No. 154,780

"The above named World War veteran was divorced prior to entering service, but had two children by his first marriage. The veteran remarried and was later killed in service. His second wife then remarried in 1919, but is, at the present time, living. The children of this veteran, by his first wife, are now applying for his Missouri Soldiers' Bonus.

"Are these children the proper claimants under the Bonus Law? If not, who would the proper claimant be?"

Article IV, Section 44B of the Missouri Constitution provides the order of payment of Missouri Soldiers' Bonus as follows:

"\* \* \* \* The wife or husband, child, mother or father, in the order named and none other, of any deceased resident who served honorably 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; \* \* \* \* and provided further that

no person shall be entitled to receive the bonus herein provided who was not a bona fide resident of the State of Missouri at least twelve months prior to the sixth day of April, nineteen hundred and seventeen, or who has received a state bonus from another state in the Union."

CONCLUSION

Under the facts submitted, we are of the opinion that the second wife of the deceased veteran is entitled to the Soldiers' Bonus under the Missouri Constitution if she can qualify as a resident of the State of Missouri during the twelve months prior to April 6, 1917.

If the second wife be disqualified on account of non-residence during that time, then the children of the deceased veteran are next entitled to the bonus of their father if they can qualify as the children of the deceased resident soldier, and prove themselves residents of the State of Missouri twelve months prior to April 6, 1917.

Respectfully submitted,

WM. ORR SAWYERS  
Assistant Attorney General

APPROVED By:

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J. E. TAYLOR  
(Acting) Attorney General

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