Atty Gen Office
July 22d 1874

Sir.

Referring to your communication of 11th inst, enclosing the application of D. L. Simmons for pension bonds under the act of April 21st 1874 claimed to be due him as nephew and devisee of William Simmons deceased, and requesting my opinion in writing as to the legality of such claim, I have the honor to state, that if the original act of Aug 13th 1811 was without subsequent legislation qualification the right claimed by applicant would seem to possess merit. This act ~~grants~~ to every surviving veteran an annual pension of two hundred and fifty dollars. No mention is made of heirs, but as to accrued ~~pensions~~ pensions unpaid at the date of the veterans death; the claim without further words, would I take it, pass to his heirs or administrators.

The legislature has, however, seen fit to make further provision with reference ~~to~~ these accrued and unpaid pensions in the passage of the act of April 21st 1874, and by the terms of this act your department must be governed ~~touching~~ all matters connected with pensions. Section Eight of said act is as follows

"Sec 8. When any person has died, or may "hereafter die before the receipt of any pension "due him under this act, the amount due at the "time of the death of the pensioner shall be paid to his "surviving wife, if he left one, but if not, then to his "~~[illegible]~~ descendants if any there be." The word