

Pensions to Blind:

1. An income of \$600.00 over any consecutive twelve months makes a person ineligible for a blind pension and said twelve months need not compose the actual calendar year.

8893 RS Mo 1929

12-11

December 2nd, 1933.

Miss Marie M. Finan,
Pension Secretary,
Missouri Commission for the Blind,
2832 Washington Avenue,
St. Louis, Missouri.



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Dear Miss Finan:-

We have your letter of October 18, 1933, in which was contained a request for an opinion as follows:

"The above pensioner resides in St. Louis and is employed by the Charter Oak Stove and Range Company. Her salary for the first seven months of 1933 was \$36.50 per month. On August 1, 1933 she was increased to \$60.00 per month because of the N.R.A. If she works continuously for the balance of the year she will receive a total of \$555.50 for her services which will still be within the limits of \$600.00 set by the pension law.

The question which has arisen at this time is, when this party will have to be stricken from the roll. If she continues at the present rate of \$60.00 per month, on March 31, 1934 she will have earned during the past twelve previous months, a total of \$626.00.

Do we interpret the law correctly when we understand that an income of \$600.00 over any twelve months makes a person ineligible, or is it necessary to have an income of \$600.00 during a calendar year."

Section 8893, Revised Statutes of Missouri, 1929, Chapter 51, Article 1 provides as follows:

"Every adult blind person, twenty-one years of age or over, of good moral character, who shall have been a resident of the state of Missouri for ten consecutive years or more next preceding the time for making application for the pension herein provided, and every adult blind person, twenty-one years of age or over, who may have lost his or her sight while a bona fide resident

of this state and who has been a continuous resident thereof since such loss of sight, shall be entitled to receive, when enrolled under the provision of this article, an annual pension as provided for therein, payable in equal quarterly installments: Provided, that no such person shall be entitled to a pension under this article who has an income, or is the recipient, of six hundred (\$600.00) dollars or more per annum from any source whatever, or who owns property, or has an interest in property to the value of five thousand dollars (\$5,000.00) or more, or who lives with a sighted husband or wife who has an income or is the recipient of six hundred (\$600.00) dollars or more per annum from any source whatever or has property or an interest in property to the value of five thousand (\$5,000.00) dollars or more, or who has a parent or parents, resident in this state who upon the investigation of the commission may be found to be able to provide for the reasonable support of such applicant; and provided, further, that blind persons who are maintained in either public, private, or endowed institutions, or by private persons who would otherwise be entitled to a pension under this article, shall not be entitled to the benefits of this article; and provided further, that no blind person shall be entitled to the benefits of this article while confined in any jail or penitentiary under conviction of any offense or while publicly soliciting alms in any manner or through any artifice in any part of this state or while confined in any insane asylum at the expense of the state or any county or municipality thereof."

The section above quoted is the section that must be construed in the rendering of an opinion on your question, and since there are no decisions on such point we shall interpret the matter according to the general law and our conception of the meaning intended by the legislature.

The title to the article in which the above section appears is "Pensions to Deserving Blind".

In Sutherland's "Statutory Construction", 2nd Edition, Sec. 339 it is stated:

"If the meaning is doubtful the title, if expressive may have the effect to resolve the doubts by extension of the purview, or by restraining it, or to correct an obvious error, for, in ascertaining the intention, nothing is to be rejected from which aid can be derived; therefore, the title of an act may claim a degree of notice, and is entitled to its share of consideration."

December 2, 1933.

Similar language was used in State ex rel. Bixby vs. St. Louis (1912) 241 Mo. 231, 145 S. W. 801; Straughan v. Meyers (1915) 268 Mo. 580, 187 S. W. 1159; Dahlin v. Missouri Commission (1924) 262 S. W. 420.

In the Dahlin case last referred to the court in construing the statute in question, stated at page 424:-

"Where certain terms of a statute are ambiguous, resort may be had to its title as a clue or a guide to its meaning."

Applying this principle to our own situation, we conclude that the statute is intended to provide relief only to "Deserving Blind". The statute then sets out \$600.00 per annum as the amount of income that will take a person out of this class. The \$600.00 per annum is merely a yardstick to measure the need of a person, and whether the amount is received for an actual calendar year or is received for a space of time consecutively aggregating a year is of no importance. It is a well settled rule of law in this state and elsewhere that, where possible, effect should be given to the legislative intent express or implied, and since in this matter the intent seems to us to be clear we do not hesitate to give effect to it in this opinion.

Further illuminating language is to be found in the Dahlin case above cited at page 424 as follows:

"The blind pension law is remedial, and should therefore be liberally construed; also it should be construed with the object in view that was sought to be accomplished. Straughan v. Meyers, 268 Mo. 580, 187 S. W. 1159; Lusk v. Public Service Com., 277 Mo. 264, 210 S. W. 72."

Since in our case the object seems to be to provide for deserving blind people and the person in question has already a sufficient living wage, we are of the opinion that she should be stricken from the pension rolls when she shall have received her present working wage for twelve months, i.e., according to your letter, on March 31, 1934.

Very truly yours,

Approved:

Assistant Attorney General.

Chas. M. Howell Jr.

Attorney General.