

FEDERAL SOLDIERS' HOME: ( Step-mother of ex-serviceman eligible  
STEP-MOTHER OF EX-SERVICEMAN (for admission to Federal Soldiers' Home  
INELIGIBLE FOR ADMISSION: ( of Missouri, is not the aged mother of  
( ex-serviceman within the meaning of  
( Section 212.140 RSMo 1949, and is not  
( eligible for admission into home.



June 15, 1955

Honorable Marvin H. McDaniel  
Superintendent, State Federal  
Soldiers' Home of Missouri  
St. James, Missouri

Dear Sir:

This department is in receipt of your recent request for a legal opinion, which reads as follows:

"I wish to request an opinion with reference to Section 212.140, Who May Be Admitted, of the Missouri Revised Statutes 1949.

"Kindly furnish this office with an opinion with reference to a stepmother being eligible for admission to this Home as a mother with reference to the above referred to Section."

Section 212.140 RSMo 1949 referred to above specifies the requirements for admission into the Federal Soldiers' Home of Missouri, and reads as follows:

"The soldiers and sailors who shall be entitled to admission into said home shall be citizens of the state of Missouri, who were honorably discharged from the service of the United States, and who are in indigent circumstances, and from any disability, not received in any illegal act, are unable to support themselves by manual labor, and that the aged mother, wife or widow of such soldier or sailor and army nurses, who served with the armies of the United States or such ex-members of the enrolled Missouri militia, who

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served ninety days or more in the field during the civil war, shall also be entitled to admission in said home, provided they be in indigent circumstances and unable to support themselves by manual labor."

The inquiry calls for a construction of Section 212.140, supra, and particularly as to whether the step-mother of an ex-serviceman (qualified for admission) is eligible for admission into the home as the "aged mother" of such serviceman within the meaning of the word "mother", as used in the section.

One of the cardinal rules of statutory construction is that the statute must be construed in such a manner as to give effect to the intention of the lawmaker. If possible, the legislative intent and purpose must be ascertained from the language expressed in the statute, and said language and any terms used therein will be given their plain or ordinary meaning, unless from the context it appears that the legislative intent was to give them a technical meaning. These elementary rules of statutory construction were reaffirmed by the court in the case of State v. Hawk, 228 SW 2d 785. The court said at l. c. 788:

"\* \* \* It is fundamental that in interpreting Sec. 10484, supra, our primary purpose is to ascertain and give effect to the intention of the legislature. If possible, the statutory intent, should be determined from the words which have been used 'considering the language honestly and faithfully to ascertain its plain and rational meaning and to promote its object and manifest purpose.' City of St. Louis v. Senter Commission Co. 337 Mo. 238, 85 S. W. 2d 21, 24. Artophone Corporation v. Coale, 345 Mo. 344, 133 S. W. 2d 343, 347; Cummins v. Kansas City Public Service Co., 334 Mo. 672, 66 S.W. 2d 920, 925. Since no technical language is employed in the statute, the words used 'will be construed in their ordinary sense and with the meaning commonly attributed to them, unless such construction will defeat the manifest intent of the Legislature.' State ex rel. City of St. Louis v. Caulfield, 333 Mo. 270, 62 S. W. 2d 818, 822; State ex rel. Gass v. Gordon, 266 Mo. 394, 181 S. W. 1016, Ann. Cas. 1918B, 191."

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There is no indication that the words "mother", or "aged mother" used in Section 212.140, supra, were intended to be given a technical meaning, hence, we shall assume that they have been used in their common or ordinary sense.

The word "mother" is ordinarily used when referring to the female parent of a child. Webster's New International Dictionary (2nd Edition) defines the words "step-mother" as: "The wife of one's father by a subsequent marriage." Black's Law Dictionary (4th Edition) defines "step-mother" as: "The wife of one's father by virtue of a marriage subsequent to that which the person spoken of is the off-spring."

A stepmother is not ordinarily spoken of or referred to as the mother of the step-child. We note that Section 212.140, supra, specifically refers to the mothers of ex-servicemen but makes no reference to the step-mother of said ex-servicemen. In the absence of any such reference, it is our thought that the Legislature did not intend to extend the common or ordinary meaning of the terms "mother" or "aged mother", as used therein to include a step-mother of an ex-serviceman. Therefore, it is believed that a step-mother is not an "aged Mother" within the meaning of the statute, and that she is not eligible for admission to the Federal Soldiers' Home of Missouri.

#### CONCLUSION

It is the opinion of this department that a woman who is a step-mother of a former ex-serviceman eligible for admission to the Federal Soldiers' Home of Missouri is not the "aged mother" of such serviceman within the meaning of Section 212.140 RSMo 1949, and is not entitled to be admitted into the home.

The foregoing opinion, which I hereby approve, was prepared by Assistant Paul N. Chitwood.

Yours very truly

JOHN M. DALTON  
ATTORNEY GENERAL

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