While the language is rather vague and ambiguous, it is my opinion that the legislature intended that where a couple was married and living together, the pension might be paid jointly to both of them, where they were both over the age of seventy years, and that upon the death of either, the pension would continue to be paid to the survivor, and, upon the death of such survivor, the amount so paid to either or both, would be collectible as a claim against the estate of either or both.

Applying this construction to section 3, which limits the amount of the pension to not exceeding fifteen dollars per month, it is my opinion, that where such pension is applied for jointly by such married couple, this limit would apply, but, where both husband and wife make separate applications, even though living together, the fifteen dollar per month limitation would apply to each of such applications.

It must be remembered, however, that in all cases, the amount of the pension "shall be fixed with due regard to the conditions in each case" and that the pension allowed to one member of such married couple, would have a direct bearing upon the application of the other. After all, it would be a matter of sound discretion upon the part of the board of commissioners, who are charged with the administration of the law.

PUBLIC SAFETY, DEPT. OF: Busses—whether school busses must carry warning flags and caution signals.

August 21, 1933.

Hon. Al Feeney, Director
Department of Public Safety,
Indianapolis, Indiana.

Dear Sir:

I have before me your letter of August 16, 1933, in which you ask my opinion as to whether or not school busses are obliged to carry flares and flags under sections 4 and 5 of chapter 90, Acts of 1933, amending sections 48 and 49 of chapter 213, of the Acts of 1925.

Section 4, *supra,* provides in part as follows:

> "Every motor vehicle *used for the carriage of passengers for hire,* and every motor truck and commercial motor vehicle shall be equipped with at least two red

warning flags and two brilliant-burning danger or caution signals, so constructed as to burn with a brilliant light. * * *" (Our italics.)

Section 5, *supra,* reads in part as follows:

"While any motor vehicle *used for the carriage of persons for hire* * * * is stopped on the traveled portion of any highway outside the corporate limits of any city or town, for a purpose other than taking on or discharging passengers or freight, or complying with traffic requirements, the operator thereof shall cause to be displayed in a prominent position above the surface of the highway at a distance of approximately three hundred feet from such vehicle, in the direction from whence it was coming and also in the direction in which it was proceeding, a brilliant-burning danger or caution signal, as described in section 48, if such stopping occurs between one-half hour after sunset and one-half hour before sunrise, or if the weather conditions are such as to produce low visibility, and a red warning flag if such stopping occurs at any other time." (My italics.)

The sole question presenting any difficulty, is whether or not the expression "motor vehicle used for the carriage of passengers for hire," occurring in both of the sections above quoted, was meant to include such vehicles as school busses.

It is a general rule of statutory construction that, in the absence of a clear showing of a contrary intent, the words used by the legislature are to be given their usual and ordinary meanings. Adopting this rule in the instant case, the phrase quoted above is the same as though the legislature had used the language "motor vehicle used for the carriage of passengers for *reward* or *recompense.*"

Carr v. State, 50 Ind. 178, 180;
McCluskey v. Cromwell, 11 N. Y. 593, 605;
In re Yoder, 127 Fed. 894, 895.

I can see no reason for distinguishing between school busses and other carriers of passengers for hire, merely because the reward or recompense, in the case of the former, is not paid by the passengers themselves directly, but is paid by the offi-

cers of the school corporation in which such passengers reside. The spirit and purpose of this legislation was to guarantee the safety, not only of the passengers themselves, but also of all other persons using the highways of the state. No doubt the legislature had in mind the added danger because of the size of such commercial vehicles generally, and also the fact that in cases of passenger carriers, the lives and safety of numerous persons are involved. Both of these circumstances are existent in the case of school busses. In the absence of any express exemptions for such conveyances, and having in mind the purpose which motivated this legislation, I am of the opinion, that sections 4 and 5, *supra,* are applicable to school busses.

ACCOUNTS, BOARD OF: Taxpayers—whether moneys due from county funds shall be applied on delinquent taxes.

August 22, 1933.

Hon. William P. Cosgrove,
State Examiner,
Indianapolis, Indiana.

Dear Sir:

I have before me your letter as follows:

> "Considering the provisions of chapter 30, page 149, Acts of 1933, in providing that a taxpayer may take advantage of the moratorium provision of the law in payment of such taxes and has met the requirements of the act in that regard and will be entitled to payment of his delinquent taxes over a period of ten years as the law provides, and considering the provisions of section 14261, Burns R. S., 1926, in providing that the treasurer of a county shall apply any moneys due from the county to the taxpayers upon payment of such delinquent taxpayers' taxes, will you please render your official opinion as to whether if such taxpayer has moneys due from the county funds, same shall be applied upon his delinquent taxes, or may such taxpayer be paid such moneys due him and be entitled to the moratorium without having such moneys applied to his delinquency?"