

but if she exercised her free choice and married, the condition of the contract that it should thereupon terminate, became operative.

* * * * *

We do not have here a case of discharge of a teacher for some reason, good, bad or indifferent. The case is one in which a person presented herself as a teacher, who had no contract of employment with the board of education, and the board was not bound to recognize her as a teacher. Likewise we have no case of arbitrary or capricious exercise of power by the board of education. Plaintiff and the board of education agreed on the term of employment. Plaintiff exercised her privilege to marry, and thereby terminated her employment."

I am herein expressing no opinion concerning the policy of the adoption of such a rule as that suggested in your inquiry. Whether such rule is or is not for the best interests of the school system is not for me to decide. My opinion as herein expressed, is limited only to the legality of such rule when, as and if properly adopted by a board of education. It is therefore my opinion that:

1. When a board of education adopts a reasonable rule for the government of teachers in its employ and thereafter enters into contracts of employment with teachers who have or should have knowledge of such rule, such rule is a part of the teacher's contract the same as though expressly rewritten therein.

2. When a board of education has adopted a rule that any single female teacher who marries during the life of her contract will automatically forfeit her rights under such contract, such rule is not contrary to public policy, and is within the legal powers of the board of education.

Respectfully,

JOHN W. BRICKER,

Attorney General.

3201.

BLIND RELIEF—MUST BE RESIDENT OF THIS STATE TO RECEIVE
SAME—PERSON RECEIVING SAME AND CHANGING RESIDENCE
TO ANOTHER STATE INELIGIBLE.

SYLLABUS:

Where a person who has been receiving blind relief in this state under the provisions of Sections 2965, et seq., General Code, changes his residence and domicile to another state, he is ineligible to further blind relief in this state while residing in such other state.

COLUMBUS, OHIO, September 13, 1934.

HON. PAUL V. WADDELL, *Prosecuting Attorney, St. Clairsville, Ohio.*

DEAR SIR:—This will acknowledge receipt of your communication, which reads as follows:

"I submit the following matter for your opinion: 'Is a person who has duly qualified for a blind pension under Sec. 2965 of the General

Code of Ohio, and who has received one payment on pension, ineligible to receive further payments from the county of his residence after the person has moved from his residence and county and state into another state?"

The applicable sections to your question are as follows:

Section 2965. "Any person of either sex who, by reason of loss of eyesight, is unable to provide himself with the necessities of life, who has not sufficient means of his own to maintain himself, and who, unless relieved as authorized by these provisions would become a charge upon the public or upon those not required by law to support him, shall be deemed a needy blind person."

Section 2965. "In order to receive relief under these provisions a needy blind person must become blind while a resident of this state, and shall be a resident of the county for one year."

Section 2967, General Code, reads in part as follows:

"* * * No certificate for qualification of drawing money hereunder shall be granted until the board of county commissioners shall be satisfied by a certificate from a registered physician stating the extent to which the applicant's vision is impaired, and giving his opinion as to the possibility of correcting the impairment by proper procedure; and from the evidence of at least two reputable residents of the county, that they know the applicant to be blind and that he has the residential qualifications to entitle him to and that he is in need of the relief asked. * * *"

In the present inquiry I assume the person in question moved to the other state with the intention of making that state his home and did not temporarily visit the other state. Temporary absences with the intention of returning do not terminate a settlement. The test is whether the person in question has the *animus revertendi*.

It is significant to note that the blind relief laws of this state are not intended as a bounty to a certain class of persons, but rather a relief to indigent blind persons. See the case of *State vs. Edmondson*, 89 O. S. 351. Consequently, it would appear that our poor relief laws are intended for bona fide residents of this state and not for residents of other states. It would be difficult to imagine the legislature contemplated assisting the blind persons of our entire country. In the instant case, the blind person in question has left Ohio with the assumed intention of not returning to this state. To say that his blind relief merely; because he was once eligible to the same, follows him wherever he goes, is to raise practical difficulties too numerous to mention.

In an opinion to be found in Opinions of the Attorney General for 1933, Volume II, page 1334, it was held as disclosed by the syllabus:

"County commissioners may not refuse a new grant of blind relief under Sections 2966, 2967, General Code, merely for the reason that such blind person has moved to another county and there resided for a period of more than one year, without obtaining a legal settlement."

It is significant that the above opinion deals with a removal from one county to another county within *this* state.

It should be noticed that in the per curiam opinion in the case of *Trustees of Crane Township vs. Trustees of Antrim Township*, 12 O. S. 430, the following statement appears:

“If a person resident in, and having a settlement entitling him to relief under the act for relief of the poor of the state, removes to a sister state, with the intention of remaining, and while there, exercises the right of suffrage, and acquires a residence and settlement entitling him to relief under the poor laws of that state, his residence and settlement in this state is lost, and his return will not revive it. He must obtain a new settlement after his return, by a continuous residence of one year, in some township in this state.”

However, I do not think that the above case would require the blind person in question to secure a legal settlement in another state for blind relief purposes, even though the blind person intends to make such foreign state his home, before he would lose his right to blind relief in this state. Clearly, our statutes contemplate relief to citizens of this state. It is well established that the statutes of our state have no extra territorial effect. As stated in 1 Lewis' Sutherland Statutory Construction 21:

“Statutes derive their force from the authority of the legislature which enacts them; and hence, as a necessary consequence, their authority as statutes will be limited to the territory or county to which the enacting power is limited. It is only within these boundaries that the legislature is law maker, that its laws govern people, that they operate of their own vigor upon any subject.”

Whether or not the blind person in question could again secure blind relief if he returned to this state, is not asked by you, and I express no opinion upon the same.

Without further prolonging this discussion, it is my opinion that where a person who has been receiving blind relief in this state under the provisions of Sections 2965, et seq., General Code, changes his residence and domicile to another state, he is ineligible to further blind relief in this state while residing in such other state.

Respectfully,
JOHN W. BRICKER,
Attorney General.

3202.

DISAPPROVAL, CERTIFICATE OF INCORPORATION OF THE BELL
MUTUAL FIRE INSURANCE COMPANY.

COLUMBUS, OHIO, September 13, 1934.

HON. GEORGE S. MYERS, *Secretary of State, Columbus, Ohio.*