

4642.

POOR RELIEF—TOWNSHIP TRUSTEES UNAUTHORIZED TO APPOINT
PERSON TO INVESTIGATE POOR CONDITIONS AND RECEIVE
COMPENSATION THEREFOR.

SYLLABUS:

Township trustees have no authority to appoint a person to make investigations of the poor and to pay him compensation therefor from the public funds.

COLUMBUS, OHIO, September 22, 1932.

HON. G. H. BIRRELL, *Prosecuting Attorney, Warren, Ohio.*

DEAR SIR:—I acknowledge receipt of a communication from your office which reads as follows:

“Your opinion rendered September 12th, 1929 and found on page 1339, Volume 2, of the 1929 Attorney General’s Reports held in substance that council of a municipality may establish an office for an employee in the office of the Director of Public Safety to make investigations of the poor and that the salary of such employee may be paid out of public funds.

We would appreciate your opinion as to whether or not this authority to appoint an investigator can likewise be extended to the Township Trustees so as to give them authority to make such appointment of an investigator under the poor laws and to pay compensation therefor from public funds. If in your opinion the township Trustees have such authority, may they appoint the wife of one of the trustees as such investigator, and compensate her from public funds?”

Township trustees have only such powers as are expressly conferred upon them by statute or are necessarily implied from those that are expressly given.

Section 3294, General Code, reads in part as follows:

“The compensation of any trustee to be paid from the treasury shall not exceed two hundred and fifty dollars in any year including services in connection with the poor.”

Section 3481, General Code, reads as follows:

“When complaint is made to the township trustees or to the proper officers of the municipal corporation that a person therein requires public relief or support, one or more of such officers, or some other duly authorized person, shall visit the person needing relief, forthwith, to ascertain his name, age, sex, color, nativity, length of residence in the county, previous habits and present condition and in what township and county in this state he is legally settled. The information so ascertained shall be transmitted to the township clerk, or proper officer of the municipal corporation, and recorded on the proper records. No relief or support shall be given to a person without such visitation or investigation, except that within counties, where there is maintained a public charity organization, or other benevolent association, which investigates and keeps a record

of facts relating to persons who receive or apply for relief, the infirmity superintendents, township trustees or officers of a city shall accept such investigation and information and may grant relief upon the approval and recommendation of such organization. Every reasonable effort shall be made by the township trustees and municipal officers to secure aid from relatives and interested organizations before granting relief from public funds."

This latter section authorizes the trustees to accept investigation and information from benevolent associations, but makes no provision for paying therefor. I am unable to find any statutory provision authorizing township trustees to appoint an investigator in connection with poor relief and to pay him compensation therefor. In the opinion referred to by you, I held that such an office may be established by the council of a municipality because section 4214, General Code, expressly authorizes council to determine the number and to fix the compensation of officers, clerks and employes.

I am therefore of the opinion that the township trustees have no authority to appoint a person to make investigations of the poor and to pay him compensation therefor from the public funds.

Respectfully,
GILBERT BETTMAN,
Attorney General.

4643.

SOLDIERS' RELIEF—APPLICANT FAILING TO LIST CERTAIN ASSETS
—PENALTY UNDER SECTION 2938, G. C., EXCLUSIVE.

SYLLABUS:

Where an applicant for relief from the county by reason of the soldiers' relief act, makes an application, and therein neglects to list certain bonds which the applicant owned, and which were required by such act to be listed, and after investigation by the township and ward relief committee and the soldiers' relief commission they find such applicant to be entitled to relief and payments have been made to such ward, the penalty for such false statement contained in Section 2935, General Code, is exclusive, and neither the county soldiers' relief commission, the county commissioners, nor other parties can recover the amount so paid to such applicant as relief under such act from the administrator of the recipient of such relief after her demise.

COLUMBUS, OHIO, September 22, 1932.

HON. WM. M. VANCE, *Prosecuting Attorney, Urbana, Ohio.*

DEAR SIR:—YOUR request for opinion reads as follows:

"STATEMENT OF FACTS .

On October 12, 1932, one H. F. applied for relief under the provisions of Section 2935 et seq., General Code, as the widow of a veteran of the 5th Ohio Cavalry. In her written application and statement, she averred that she owned no taxable personal property. Under strict construction