

1561.

## INDIGENT PERSON—FURNISHING OF OUTDOOR RELIEF TO CITY AND TOWNSHIP RESIDENTS.

## SYLLABUS:

1. *Outdoor relief, that is, partial and temporary relief, for the poor in cities should be furnished by the proper municipal officers, and provision therefor should be made by the proper authorities in the making of tax levies and the adjustment of budgets.*
2. *Township trustees are limited in the granting of partial and temporary relief to the poor, to persons who reside in the territory within the township which lies outside the corporate limits of cities.*

COLUMBUS, OHIO, January 11, 1928.

HON. ALBERT T. STROUP, *Prosecuting Attorney, Van Wert, Ohio.*

DEAR SIR:—This will acknowledge receipt of your letter dated January 7, 1928, which reads:

“With reference to Section 3476 of the General Code, and particularly the last sentence thereof, would like your opinion as to whether the township trustees are compelled to take care of the poor of a municipality, the latter of which lies in three different townships in face of recent opinions from your office, such as Opinion No. 1041, rendered September 22, 1927, requiring levies for the poor to be made upon all the taxable property in the township including the municipalities within it.

In this case the city of Delphos is involved, which lies in three different townships and three counties as well. That part which is in our county is in Washington Township of our county. The municipal authorities of Delphos are insisting that the trustees of Washington Township take care of the poor of that part of Delphos which lies in their township because the township levy includes that part of Delphos. The trustees resent this and for this reason the opinion is asked.”

The question that you present has been considered in two recent opinions of this office, being Opinion No. 1041, dated September 22, 1927, and Opinion No. 1516, dated January 4, 1928, the syllabi of which read as follows:

Opinion No. 1041. “1. By the provisions of Section 5 of House Bill No. 80, passed by the 87th General Assembly, tax levies made by townships for the relief of the poor should be included in the township’s general levy for current expenses, upon all the taxable property lying within the township including that within municipalities which are within the township.

2. The provisions of Section 5625-5 as enacted in House Bill No. 80, passed by the 87th General Assembly, to the effect that the tax levies for the relief of the poor within the several townships of the state shall be included in the general levy for current expenses of the township and levied on all the taxable property in the township including the property within the municipalities in the township, are valid and constitutional.”

Opinion No. 1516. “1. Outdoor relief, that is, partial and temporary relief, for the poor in cities should be furnished by the proper municipal officers, and provision therefor should be made by the proper authorities in the making of tax levies and the adjustment of budgets.

2. Township trustees are limited in the granting of partial and temporary relief to the poor, to persons who reside in the territory within the township which lies outside the corporate limits of cities."

I am enclosing herewith copies of these two opinions. If, after reading these opinions, you have further questions that you desire to present, I will be glad to answer the same.

Respectfully,  
EDWARD C. TURNER,  
*Attorney General.*

1562.

INSURANCE—UNLICENSED FOREIGN ACCIDENT COMPANY—NO PEN-  
ALTY FOR ADVERTISING POLICIES IN OHIO NEWSPAPER.

*SYLLABUS:*

*The penal provisions of Section 654-11, General Code, making it unlawful for any unauthorized life insurance company, association or organization to offer for sale by advertisement, a policy of life insurance within this state, does not extend to an accident corporation, association or organization. It is therefore not unlawful for an unlicensed foreign accident association to advertise in an Ohio newspaper the terms and conditions of its policies for accident insurance, there being no statute similar in its terms to Section 654-11, supra, relating to accident insurance companies and policies.*

COLUMBUS, OHIO, January 11, 1928.

HON. WILLIAM C. SAFFORD, *Superintendent of Insurance, Columbus, Ohio.*

DEAR SIR:—This will acknowledge receipt of your recent communication requesting my opinion as follows:

"Herewith I hand you a newspaper clipping in which is displayed the advertisement of the National Protective Insurance Association of Kansas City, Mo. We respectfully ask your opinion regarding this advertisement.

The insurance company mentioned is without license in Ohio and we desire to know whether you consider that this advertisement, on the part of the unauthorized insurer, is an unlawful solicitation of insurance."

The newspaper clipping accompanying your letter, and to which you refer, was from a newspaper published and circulated in Toledo, Ohio, and is the words and figures following, to-wit:

"ONE CENT A DAY BRINGS \$100 A MONTH

Thousands Taking Advantage of Liberal Insurance Offer. Policy Sent Free for Inspection.

Accident insurance at a cost of one cent a day is being featured in a policy issued by the National Protective Insurance Association.