

or dry dyeing, it would be necessary that an application be made for a permit and a \$10.00 inspection and filing fee paid, that the building or establishment be inspected and found to be reconstructed in conformity to the act, and that a permit be issued to conduct business therein.

Respectfully,
 JOHN G. PRICE,
Attorney-General.

1000.

MOTHERS PENSIONS—FOSTER-MOTHER IS NOT A MOTHER WITHIN
 MEANING OF SECTION 1683-2 G. C.

A foster-mother is not a mother within the meaning of section 1683-2 of the General Code relating to mothers pensions.

COLUMBUS, OHIO, February 10, 1920.

HON. WILBERT J. BISSMAN, *Probate Judge, Mansfield, Ohio.*

DEAR SIR:—Your letter of recent date inquiring whether or not the foster-mother of orphan children under school age who are in necessitous circumstances, is a mother within the meaning of section 1683-2 G. C. relating to mothers pensions, was duly received.

Section 1683-2 G. C., so far as material to the determination of your question, reads as follows:

“For the partial support of women whose husbands are dead, or become permanently disabled by reason of physical or mental infirmity, or whose husbands are prisoners or whose husbands have deserted, and such desertion has continued for a period of three years, when such women are poor, and are the *mothers of children* not entitled to receive age and schooling certificate, and such mothers and children have a legal residence in any county of the state for two years, the juvenile court may make an allowance to each of such women as follows:” etc.

In 1914 Annual Report of the Attorney-General, Vol. I, page 885, in an opinion dated June 29, 1914, it was held that neither an “adopted mother” nor a “grandmother” who is keeping and supporting a grandchild whose parents are dead, is a mother within the meaning of the statute above mentioned. The statute was subsequently amended (106 O. L. 436), but in a respect which does not require a modification of the opinion referred to in so far as the question under consideration is concerned.

In the opinion at page 887 the former Attorney-General said:

“I am of the opinion that an adopted mother, other conditions being met, is not entitled to the pension. While the act is to be given a liberal interpretation to accomplish the result at which it is aimed, yet, to my mind, the word ‘mother’ as repeatedly used therein, does not have, naturally, the significance of the term ‘adopted mother;’ and, in my judgment, such a meaning is too artificial to be given to the former term, even under the sanction of a liberal interpretation.

For similar reasons, a grandmother, who is keeping and supporting a child of her son or daughter, when both parents of the children are dead, cannot

be, in my judgment, regarded as a mother, within the meaning of the act, even though her situation satisfies the other conditions enumerated therein."

Under the doctrine of the foregoing opinion, you are advised that a foster-mother is not a mother within the meaning of section 1683-2 G. C.

Respectfully,
 JOHN G. PRICE,
Attorney-General.

1001.

ROADS AND HIGHWAYS—WHAT ROADS ARE TO BE CONSIDERED IN CALCULATING SALARY OF COUNTY SURVEYOR UNDER SECTION 7181 G. C.—PUBLIC WAYS IN MUNICIPAL CORPORATIONS NOT INCLUDED IN MILEAGE CALCULATION.

The public roads to be taken into account in calculating the salary of the county surveyor as directed by the provisions of section 7181 G. C. are state roads, county roads and township roads within the county as defined by section 7464 G. C. The mileage of public ways within a municipal corporation is not to be included in such calculation, but the mileage of streets in unincorporated villages within the county is to be included.

COLUMBUS, OHIO, February 10, 1920.

The Bureau of Inspection and Supervision of Public Offices, Columbus, Ohio.

GENTLEMEN:—You have recently submitted to this department the following question:

"What roads are considered in basing the county surveyor's salary under section 7181 G. C., as amended, 107 O. L. 110? Does this include streets in cities and villages, and does it include township roads?"

It is unnecessary to quote in full the provisions of section 7181. That section relates to the salary of the county surveyor, and provides that such salary shall be computed by taking into account the mileage of the public roads, the population, and the tax duplicate of the county. Your question concerns only the first of these elements, and in that respect the statute reads:

"One dollar per mile for each full mile of the first one thousand miles of the public roads of the county."

Your question may be answered by quoting section 7464 relating to state, county and township roads, on the one hand; and section 3714 relating to municipal streets on the other.

Said section 7464 (106 O. L. 648) reads as follows:

"The public highways of the state shall be divided into three classes, namely: State roads, county roads and township roads.

(a) State roads shall include such part or parts of the inter-county highways and main market roads as have been or may hereafter be constructed by the state, or which have been or may hereafter be taken over by