

Upon examination of the abstracts of title covering the above tracts of land, which abstracts have been corrected from time to time at my request, I find that said Edward Cunningham has a good merchantable fee simple title to the above described tracts of land, free and clear of all incumbrances except the taxes for the year 1930, which taxes amount to the sum of eleven dollars and twenty-five cents on the first tract above described and thirteen dollars and fifty cents on the second tract above described. Some adjustment should, of course, be made with respect to these taxes before the transaction relating to the purchase of this property is closed. Inasmuch, however, as the agreement for the purchase of this property, subject to the approval of the division of finance and the attorney general, was made prior to the time the taxes for the year 1930 became a lien upon the property, there should be no difficulty in getting this property on the tax exempt list, with respect to 1930 taxes.

Upon examination of the warranty deed tendered by Edward Cunningham, I find that the same has been properly executed and acknowledged by him and by his wife, Carol Cunningham, and that the form of said deed is such that it conveys the above described property to the state of Ohio, free and clear of the dower interest of said Carol Cunningham, wife of Edward Cunningham, and free and clear of all incumbrances whatsoever.

Upon examination of encumbrance estimate No. 798, I find that the same has been properly executed and approved and that the same shows that there is a sufficient balance in the appropriation account to pay the purchase price of said property, which purchase price is the sum of two thousand one hundred forty-six dollars and twenty-eight cents.

It is likewise noted from the certificate of the controlling board and made a part of the files relating to the purchase of this property that the money necessary to pay the purchase price above mentioned has been released by said board of control.

I am herewith returning to you with my approval, said corrected abstracts of title, warranty deed, encumbrance estimate No. 798, controlling board certificate and other files relating to the purchase of this property.

Respectfully,  
GILBERT BETTMAN,  
*Attorney General.*

2821.

INDIGENT PERSON—PARENT OR SOLDIER MAY BE GIVEN AID ACCORDING TO STATUTE—RESIDENCE AT HOME OF SOLDIER SON NOT REQUIRED.

**SYLLABUS:**

*An indigent parent of a soldier may be given aid as provided in Section 2934, General Code, even though such person does not reside at the home of the soldier.*

COLUMBUS, OHIO, January 14, 1931.

HON. F. H. BUCKINGHAM, *Prosecuting Attorney, Fremont, Ohio.*

DEAR SIR:—I am in receipt of your letter of recent date, which is as follows:

“Under Section 2934 of the General Code of Ohio there is listed persons entitled to relief under the Soldiers’ Relief Committee of the Township and

Ward. In one of the townships of Sandusky County there is a mother of an ex-service man who has made application to this Committee for relief under the following circumstances:

There seems to be no question but that the mother is indigent and in need of relief of some kind. She is now residing with one of her daughters, who is unable to bear the expense of her support. Her son who is an ex-service man is married; has a family of his own, and his mother does not reside with him, nor is she a part of his family.

The Committee has requested me to write you for your opinion concerning the payment of this relief under the circumstances as stated where the relief is to go to one parent who is not a member of the immediate family of the soldier."

In your letter you state that there is no question that the mother of the ex-service man is indigent and I assume that the ex-service man in question is a "soldier" within the meaning of the provisions of the act relating to the soldiers' relief commission (Sections 2930 to 2942, inclusive, of the General Code) so that these matters require no discussion and I may confine my discussion to the specific inquiry presented by you, that is, whether or not the indigent parent of a soldier must reside at the home of the soldier in order to be eligible to relief under the provisions of Section 2934 of the General Code. Section 2934 of the General Code provides as follows:

"Each township and ward soldiers' relief committee, shall receive all applications for relief under these provisions, from applicants residing in such township or ward, examine carefully into the case of each applicant and on the first Monday in May in each year make a list of all indigent soldiers, sailors and marines, and of their indigent parents, wives, widows and minor children, including widows of soldiers, sailors and marines who have re-married, but again have become indigent widows, who reside in such township or ward, and including the soldiers, sailors and marines of the Spanish-American war, or of the world war and their wives, widows, indigent parents, minor children and wards, who have been bona fide residents of the state one year, and of the county six months, next prior to such first Monday in May, and who, in the opinion of such relief committee, require aid, and are entitled to relief under these provisions."

You will note that this section makes provision for relief of indigent parents of soldiers, sailors and marines, who have been bona fide residents of the state one year, and of the county six months, next prior to the first Monday in May, at which time the list of applicants is prepared by the township and ward soldiers' relief committees. There is nothing in the act relating to the soldiers' relief commission (Sections 2930 to 2942, inclusive, of the General Code) which requires that an indigent parent reside at the home of the soldier in order to be entitled to relief.

Therefore, in specific answer to your inquiry, I am of the opinion that an indigent parent of a soldier may be given aid as provided in Section 2934, General Code, even though such person does not reside at the home of the soldier.

Respectfully,  
GILBERT BETTMAN,  
*Attorney General.*