

other business forbidden by the terms of the above quoted section, Section 9559, you will then have sufficient reason under the law to deny the application, or, if at any future time the reports of this company or any other companies, or investigations which you make concerning the same, disclose that it or they are engaged in business forbidden by a statute, it will be your duty to revoke the license which you may have granted.

Answering your question specifically, it is my opinion that the applicant corporation can properly be licensed by your department to engage in the business of insurance in the State of Ohio even though by its charter it is permitted to engage in the banking business, provided it is otherwise qualified and complies with the terms and conditions imposed by the law of Ohio.

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

2685.

POOR RELIEF—LEGAL SETTLEMENT DEFINED.

SYLLABUS:

*When a woman is a bona fide resident of a county, she may acquire a legal settlement therein for the purpose of relief under the poor laws, notwithstanding that during such period her son has contributed to her support.*

COLUMBUS, OHIO, October 8, 1928.

HON. WALTER J. MOUGEY, *Prosecuting Attorney, Wooster, Ohio.*

DEAR SIR:—In your recent communication you request my opinion upon the following statement of facts:

“It appears that the commissioners and the Infirmary Director of this county (Wayne County) are having some difficulty in adjusting a matter on Poor Relief for a certain woman by the name of Mrs. S. with the Commissioners and Infirmary Director of Athens County, Ohio.

The facts of the matter are as follows: Mrs. S. lived all of her life in Athens County and was married and had a family and about nine years ago her husband ran away from her and abandoned and deserted her and she was left in dire financial condition. She had three sons, one son living in Athens County, one son in Wayne County and another son at a different residence which I do not know. The son in Wayne County at that time brought her to his home in the village of Orrville, Ohio, this county, and supported her and took care of her for that period of time. About two months ago he was unable to look after her any longer because of her condition and also because of his financial condition, and she was taken to the Wayne County Infirmary to be cared for.

The County Commissioners and Infirmary Director of this county took the matter up immediately with the proper authorities of Athens County and cited to them the law as we understand it, especially Sections No. 3476 to No. 3484 inclusive, and after some correspondence, the authorities of Athens County refused to accept her on the ground of Section No. 12429 of the General Code of Ohio, which requires a son or daughter who is able to do so to support a destitute parent, stating further that such support by her son

in this county made her a resident of this county for Poor Relief. However, they stated in their letter that 'In case we cannot agree among ourselves, the case can be taken up with the Attorney General for ruling and this you are perfectly welcome to do if you are not satisfied.'

As the opinions of the officers of this county are entirely different than the opinions of the officers of Athens County on this matter, I would very much appreciate a ruling by you as to the status of this woman and whether or not under the circumstances and facts as above stated she is subject for relief in Wayne County or in Athens County, Ohio."

From a perusal of your communication it appears that the sole question presented is whether Mrs. S. mentioned in your letter, in view of the circumstances, has acquired a legal settlement in your county.

Section 3477 of the General Code, which defines legal settlement, as last amended in 112 O. L. 157, reads:

"Each person shall be considered to have obtained a legal settlement in any county in this state in which he or she has continuously resided and supported himself or herself for twelve consecutive months, without relief under the provisions of law for the relief of the poor, or relief from any charitable organization or other benevolent association which investigates and keeps a record of facts relating to persons who receive or apply for relief."

From your statement of facts there appears to be no question but that Mrs. S. became a resident of Wayne County. While ordinarily the residence of the husband is that of the wife, this is not true in those instances wherein there has been a separation of the character you describe. In other words, a married woman may under such conditions acquire a residence of her own. It logically follows that she would be regarded as having acquired a legal settlement in Wayne County if she has continuously supported herself for twelve consecutive months without the relief mentioned in said section. The relief mentioned in said section is assistance rendered under the laws for the relief of the poor or from charitable organizations or other benevolent associations which investigate and keep a record of facts relating to persons who receive or apply therefor.

The question as to what constitutes relief in view of said section was under consideration by the Supreme Court of Ohio in the case of *Board of County Commissioners vs. Board of County Commissioners*, 116 O. S. 663, which was referred to in my Opinion No. 2654, issued to Hon. J. E. Patrick, Prosecuting Attorney, New Philadelphia, Ohio, on September 29, 1928. In the body of said Supreme Court opinion it is pointed out that notwithstanding the person whose status was under consideration had received charity while in the county, it did not prevent her from acquiring a legal settlement for the reason that the relief she had received was not the relief mentioned in Section 3477, supra. In other words, the court indicated that unless relief had been received under the poor laws, it would not bar the acquiring of a legal settlement. In that case it was pointed out that the relief was from certain charitable organizations. It may be noted in this connection that the statute as last amended includes charitable organizations but it is not broad enough to include relief furnished by a child to his parents.

In view of the foregoing, you are specifically advised that it is my opinion that when a woman is a bona fide resident of a county, she may acquire a legal settlement therein for the purpose of relief under the poor laws, notwithstanding that during such period her son has contributed to her support.

Respectfully,  
EDWARD C. TURNER,  
Attorney General.