

3945.

LEGAL SETTLEMENT—ACQUIRED IN COUNTY BY RESIDING AND SUPPORTING SELF FOR ONE YEAR.

SYLLABUS:

Where a person has a legal settlement in one county of this state, he may not acquire such a settlement in another county until he has resided and supported himself therein for the period of one year.

COLUMBUS, OHIO, January 13, 1932.

HON. HOWARD M. NAZOR, *Prosecuting Attorney, Jefferson, Ohio.*

DEAR SIR:—Acknowledgment is made of your recent communication which reads:

“Section 3477 of the General Code provides that,

‘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, . . .’

Section 3479 of the General Code provides in part that,

‘A person having a legal settlement in any county in the state shall be considered as having a legal settlement in the township, or municipal corporation therein, in which he has last resided continuously and supported himself for three consecutive months without relief, under the provisions of law for the relief of the poor, . . .’

We have in Geneva Township, Ashtabula County, a married couple who came to Geneva Township from Madison Township, Lake County, about April 15, 1930. They were indigent and the Trustees of Madison Township continued to furnish help to them up to July 26, 1931.

Notice has been served on the Lake County Commissioners by the Ashtabula County Commissioners that they should be received by the Lake County Infirmary but refusal has been made by the Lake County Commissioners.

They contend that if a person has a legal settlement in one county of this state, he or she could go to a township in another county and by living there for three months without relief, the first county would be relieved from support. It is my contention that under said section, before a legal settlement can be obtained in a township or municipal corporation, the requirements of Section 3477 must be met in the county in which the township or municipal corporation is located.”

In analyzing the sections which you quote, it is evident that they are in *pari materia* and therefore must be construed together. It is clear that one may not acquire a legal settlement in a county unless he has lived therein without public support for a period of one year. While a legal settlement may be changed from one township to another within the same county by living within a given township for three months, there is nothing in the statutes to indicate that a legal

settlement could be changed from one county to another by residing only three months therein.

In connection with this question, it is also interesting to note section 3479 of the General Code which reads in part:

“When a person has for a period of more than one year not secured a legal settlement in any county, township or city in the state, he shall be deemed to have a legal settlement in the county, township or city where he last has such settlement.”

Without further consideration, it is my opinion that, where a person has a legal settlement in one county of this state, he may not acquire such a settlement in another county until he has resided and supported himself therein for the period of one year.

Respectfully,

GILBERT BETTMAN,
Attorney General.

3946.

FEES—WHERE CORPORATIONS CONSOLIDATE OR MERGE, A FILING FEE, IN ADDITION TO A MINIMUM FEE, LEVIED UPON THE NUMBER OF SHARES IN EXCESS OF TOTAL NUMBER IN ORIGINAL CORPORATIONS.

SYLLABUS:

1. *Under Section 176, General Code, no filing fee in addition to the fixed fee of \$25.00, is authorized when the consolidation agreement filed with the Secretary of State authorizes a lesser number of shares for the consolidated corporation than the total number of authorized shares of the constituent corporations even though such authorized shares of the new corporation are in excess of the authorized shares of either of the constituent corporations.*

2. *In computing the filing fees for merged or consolidated corporations the amount should be determined by applying the rates set forth in Paragraph 2, Section 176, General Code, to the authorized shares of the consolidated corporation and deducting therefrom the sum arrived at by applying like rates to the sum total of the authorized shares of the constituent corporations so consolidated. Such sum so arrived at is the filing fee in excess of the minimum filing fee of \$25.00.*

3. *There is no distinction between merged corporations and consolidated corporations, in so far as the filing fees provided under Section 176, General Code, are concerned, whether such corporations continue to exist in the name of one of the constituent corporations or take an entirely new name.*

COLUMBUS, OHIO, January 13, 1932.

HON. CLARENCE J. BROWN, *Secretary of State, Columbus, Ohio.*

DEAR SIR:—Your recent request for opinion is as follows:

“Directing your attention to Amended Senate Bill 21, passed by the last legislature and effective 10-14-1931, your opinion is requested as