

the county commissioners to provide a juvenile detention home upon the advice and recommendation of the juvenile judge.

Respectfully,

HERBERT S. DUFFY,
Attorney General.

2805.

WOMEN WHO SERVED IN ARMY OR NAVY OF UNITED STATES—ENTITLED TO SOLDIERS' RELIEF—SECTION 2934, GENERAL CODE.

SYLLABUS:

Women who served in the army or navy of the United States are, by the provisions of Section 2934, General Code, included in the classification of persons entitled to soldiers' relief.

COLUMBUS, OHIO, August 8, 1938.

HON. GLENN W. MARRIOTT, *Prosecuting Attorney, Mansfield, Ohio.*

DEAR SIR: You recently requested my opinion on the following question:

"Can the Soldiers' Relief Commission give aid to an army nurse who served during the Spanish War or World War?"

Section 2934, General Code, which enumerates a list of those persons entitled to soldiers' relief, reads 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 needy soldiers, sailors and marines, and of their needy parents, wives, widows and minor children, including widows of soldiers, sailors and marines who have remarried, but again have become needy 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, needy

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.”

The classification described herein sets forth the primary beneficiaries as “soldiers, sailors and marines.” There have been several opinions written in response to questions with reference to the extent of this classification of recipients of soldiers’ relief. The conclusion stated in Opinions of the Attorney General, 1932, Vol. II, page 810, excluded national guardsmen from benefits under the provisions of Sections 2930 to 2941, General Code, on the basis that the relief thus afforded to soldiers was intended for those who had served as members of the several federal military organizations. In arriving at this conclusion, the opinion refers to Section 2949, General Code, which provides for soldiers’ burial and which reads in part as follows:

“The word ‘Soldiers’ shall mean: An honorably discharged soldier, sailor, or marine, who served in the army or navy of the United States of America.”

This section was treated as being in *pari materia*, with the aforementioned sections providing for soldiers’ relief. Accordingly, the definition of the classification of beneficiaries under these related sections depends upon the potential beneficiaries having served in a federal military organization. Subsequently, this test was adopted as the basis for my conclusion in Opinions of the Attorney General, 1938, No. 2710 (issued under date of July 15, 1938), which opinion considered the subject of the eligibility of those entitled to soldiers’ burial under the provisions of Section 2950, General Code.

It would seem, therefore, that the eligibility for both soldiers’ relief and soldiers’ burial benefits depends on the claimants having served in one of the several branches of the federal military organization. Applying this test, the solution of the question which you present is reached by determining the status of the potential recipient as a former member of the army of the United States.

It is common knowledge that army nurses and yeomanettes in the navy took the same oath of allegiance and were subject to the same degree of federal military control as were men in the service of the United States army or navy. An honorable discharge in the hands of an army nurse signifies that she has given as full a measure of service to her nation as any male compatriot has rendered under arms. The test which has been laid down in previous opinions on

this subject, namely, that the eligibility of the claimant depends on his or her having served as a member of a federal military organization, is amply satisfied in this case.

Accordingly, it is my opinion that a nurse who has served in the army of the United States and has been honorably discharged therefrom is entitled to benefits under the provisions of Sections 2930 to 2941, General Code.

Respectfully,

HERBERT S. DUFFY,

Attorney General.

2806.

DISAPPROVAL—ABSTRACT OF TITLE, WARRANTY DEED, CONTRACT, PROPOSED PURCHASE, TRACT OF LAND, UNION TOWNSHIP, LICKING COUNTY, OHIO, SECTION 15, TOWNSHIP 17 NORTH, RANGE 18 WEST, REFUGEE TRACT, FOR CONSTRUCTION AND MAINTENANCE OF FEDERAL FISH HATCHERY.

COLUMBUS, OHIO, August 8, 1938.

HON. I. WOODDELL, *Conservation Commissioner, Columbus, Ohio.*

DEAR SIR: You have submitted for my examination and approval an abstract of title, warranty deed, contract encumbrance record No. 23 and other files relating to the proposed purchase by the Ohio Conservation Council for and in the name of the State of Ohio of a tract of land which is owned of record by one Lena M. Hill in Union Township, Licking County, Ohio; which tract of land is situated in Section 15, Township 17 North, Range 18 West, Refugee Tract, and is more particularly described as follows:

Situated in The State of Ohio, Licking County, Union Township, Range 18 West, Township 17 North, Refugee Tract, Section 15.

Beginning at the Southwest corner of the Northeast quarter of Section Number 15: Thence North 3 degrees 21 minutes East 368.58 feet: Thence North 85 degrees 36 minutes West 1809.57 feet to a corner 15 feet out from the foot of slope of the tow path road: Thence North 14 degrees 32 minutes East 1705.46 feet parallel to the Canal road: Thence North 28 degrees 05 minutes East 557.40 feet parallel to the