

that you were not authorized to fix the annual rental of this property at the sum of twelve (\$12.00) dollars, and the lease is accordingly disapproved for this reason. I am therefore returning said lease instrument to you without my approval endorsed thereon.

Respectfully,  
 JOHN W. BRICKER,  
*Attorney General.*

3896.

WORKMEN'S COMPENSATION LAW—COMPENSATION TO WORKMAN  
 WHEN PLACED IN BANK SUBJECT TO ATTACHMENT OR EXECUTION.

SYLLABUS:

*Compensation paid under the provisions of the Workmen's Compensation Law, after it has been received by an injured workman and placed in a bank by him, is subject to attachment or execution the same as any other funds so deposited by such injured employee.*

COLUMBUS, OHIO, February 1, 1935.

HON. NELSON CAMPBELL, *Prosecuting Attorney, Mount Gilead, Ohio.*

DEAR SIR:—Your recent request for my opinion reads as follows:

“Is money received by an injured man from the Industrial Commission, and on deposit in a bank, exempt from attachment or execution?”

“This query has been propounded to me by one of our Justices of the Peace. The facts in brief are as follows: R received a settlement of \$..... from the Industrial Commission. This money, and no other, was deposited in a bank. D, a store-keeper, has sued R on a claim for necessaries, and has named the Cashier of the bank wherein R has deposited his money received from the Industrial Commission, as garnishee. Can the attachment of such funds be maintained?”

Section 1465-88, General Code, provides in part as follows:

“Compensation before payment shall be exempt from all claims or creditors and from any attachment or execution, and shall be paid only to such employees or their dependents. \* \* \*”

It will be noted from the language used in this section that exemption from claims or creditors and from attachment applies only to the time “before payment.” After the Industrial Commission of Ohio pays compensation to an injured workman, and such injured workman then deposits the money in a bank, the exemption does not apply. This money then becomes subject to attachment the same as any other funds which the man might have in such institution.

The Legislature was very careful to limit this exemption to “before payment” and made no provision that compensation should be exempt from execution and attachment after it was in the possession of the employee. And this is in harmony with the

theory of the Workmen's Compensation Law. The compensation provided for by that law was intended to provide, in a limited degree, funds to take the place in part of wages which the man would have earned, and to provide him to a certain extent with the livelihood which he would otherwise obtain by his own efforts. It was not the intent of the Legislature that after these funds had been paid, the man should sequester them in a bank and fail to pay the obligations incurred by him for necessities.

It is, therefore, my opinion that compensation paid under the provisions of the Workmen's Compensation Law, after it has been received by an injured employee and placed in the bank by him, is subject to attachment or execution the same as any other funds so deposited by such injured workman.

Respectfully,  
JOHN W. BRICKER,  
*Attorney General.*

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3897.

**SOLDIER'S RELIEF COMMISSION—GENERAL LEVY FOR SOLDIER'S RELIEF AS CERTIFIED BY SOLDIERS' RELIEF COMMISSION TO COUNTY COMMISSIONERS. (O. A. G.—1930, VOL. II, PAGE 1149 AFFIRMED.)**

**SYLLABUS:**

*Opinion reported in Opinions of Attorney General for 1930, Vol. II, page 1149, affirmed.*

COLUMBUS, OHIO, February 1, 1935.

HON. FERDINAND E. WARREN, *Prosecuting Attorney, Ottawa, Ohio.*

DEAR SIR:—Your letter of recent date is as follows:

“A question arose in our county concerning the interpretation of General Code 2936, relative to the Soldier's Relief Commission, since the passage of O. G. C. Section 5625-6 and 5625-7.

General Code 2936 reads as follows:

‘On such last Monday in May the commission shall meet and determine from such list the probable amount necessary for the aid and relief of such indigent persons for the ensuing year, together with an amount sufficient in the judgment of the commission, to furnish relief to any such indigent persons not named on such lists, whose rights to relief shall be established to the satisfaction of the commission. After determining the probable amount necessary for such purpose, the commission shall certify it to the county commissioners, who, at their June session shall make the levy necessary to raise the required relief, not to exceed five-tenths of a mill per dollar on the assessed value of the property of the county hereinafter authorized.’

In 1930 the Attorney General's office rendered an opinion on this section, determining that if the Soldier's Relief Commission's budget did not exceed one-half mill, the County Budget Commission and the County Commissioners had no recourse but to allow the entire amount requested.