

1089.

VETERAN—WHERE HE RECEIVES PENSION FROM FEDERAL GOVERNMENT—MAY RECEIVE AID FROM SOLDIERS' RELIEF COMMISSION—NEED—MINOR—PERSON UNDER TWENTY-ONE YEARS OF AGE—SECTION 8023, G. C.—AID FOR MINOR CHILDREN.

SYLLABUS:

1. *A needy veteran may receive aid from the Soldiers' Relief Commission although receiving a pension or compensation from the federal government, when the Commission after a careful investigation finds and so determines that the veteran's budgetary needs require such aid.*

2. *Section 8023, of the General Code, defines minors to be all persons under twenty-one years of age, and therefore there is no age limit for aid to be provided minor children other than the foregoing statute.*

COLUMBUS, OHIO, August 23, 1939.

HON. HAROLD J. ROSE, *Prosecuting Attorney, Athens, Ohio.*

DEAR SIR: I am in receipt of your recent communication which reads as follows:

"I have been requested by the Secretary of the Soldiers' Relief Commission of Athens County, Ohio, to secure your opinion upon the following questions:

First: May a veteran who is obtaining a pension or compensation from the Federal Government also receive aid from the Soldiers' Relief Commission, the pension or compensation so received being not sufficient in the opinion of the Soldiers' Relief Commission to provide for the veteran or his family?

Second: Is there any age limit for aid to be provided by the Soldiers' Relief Commission to minor children of the veteran?"

The nature and extent of the benefits granted to veterans by the Federal Government have been changed from time to time. Early in the history of this country they included land grants, homestead privileges, and financial assistance, but today benefits are chiefly of three kinds: (1) Monetary benefits, such as pensions, disability compensation, World War emergency officers' retirement pay, adjusted compensation, Government insurance; (2) medical treatment, hospital and domiciliary care for discharged veterans; and (3) burial and funeral expenses.

At page 47, of House Document No. 701 (75th Congress, 3rd session), the following language is found :

“In addition to the various benefits granted by the Federal Government, the veterans may be entitled to additional benefits from the state in which they live.”

Soldiers' Relief Commissions are, by virtue of Section 2930 of the General Code of Ohio, established in each and every county in the State of Ohio, and in accordance with Section 2933-1 of the General Code, are empowered with the authority to employ investigators and clerks as may be necessary to carry on relief work for all needy soldiers, sailors and marines and their needy parents, wives, widows and minor children.

Upon the filing of a verified application, Section 2934, General Code, provides that each township and ward Soldiers' Relief Committee shall carefully inquire into the case of each applicant and certify its findings to the Soldiers' Relief Commission.

This investigation should disclose the health condition of the veteran and his dependents and likewise his financial condition and all his sources of income. If, upon this examination it is discovered that the Federal Pension is insufficient to meet the veteran's budgetary needs, then it is my opinion that the application should be favorably acted upon and the additional needs of this veteran be certified to the Soldiers' Relief Commission.

Your second question is evidently prompted by the provisions contained in the Federal Pension, Bonus, and Compensation Laws, Federal Code Annotated, Volume II, Title 38, which provisions place an age limitation of sixteen and eighteen years upon minors, depending upon the particular war in which the veteran saw service. However, there are no age limitations with regard to minors in Ohio, and this is true regardless of what service the veteran may have seen, and you are therefore to be guided by Section 8023, General Code, which provides in part, as follows:

“All persons of the age of twenty-one years and upward * * * shall be capable of contracting * * * and to all intents and purposes be of full age.”

In Ohio Jurisprudence, Volume 21, at page 862, the following statement is made:

“The common-law rule fixing the age at which infants, whether male or female, attain majority at 21 years, is now adopted in Ohio by statute; although for a long time, and until the amendment of July 18, 1935, to General Code 8023 females by statute became of age at 18 and males at the age of 21.”

Therefore, in specific answer to your first question I am of the opinion that, a veteran may receive aid from the Soldiers' Relief Commission although receiving a pension or compensation from the Federal Government, and such pension or compensation is insufficient to meet his budgetary needs as determined by the Soldiers' Relief Committee.

In answer to your second question it is my opinion that there is no age limit for aid to be provided by the Soldiers' Relief Commission to minor children of the veteran.

Respectfully,

THOMAS J. HERBERT,
Attorney General.

1090.

CONTRACT—STATE WITH VILLAGE OF GIBSONBURG,
IMPROVEMENT, GIBSONBURG, STATE HIGHWAY No.
931, SANDUSKY COUNTY.

COLUMBUS, OHIO, August 24, 1939.

HON. ROBERT S. BEIGHTLER, *Director of Highways, Columbus, Ohio.*

DEAR SIR: You have submitted for my consideration a cooperative contract between the Director of Highways and the Village of Gibsonburg covering the following proposed improvement:

“Section, Gibsonburg (Part) State Highway No. 931, Sandusky County, Village of Gibsonburg.”

Finding said contract correct as to form and legality, I have accordingly endorsed my approval thereon and return the same herewith.

Very truly yours,

THOMAS J. HERBERT,
Attorney General.

1091.

STATE FIRE MARSHAL—NO AUTHORITY TO CAUSE BUILDING TO BE TORN DOWN FOR MATERIALS—NO AUTHORITY TO SELL MATERIALS IN BUILDING TO PAY FOR SUCH COST—SECTION 836-2, G. C.

SYLLABUS:

The State Fire Marshal has neither (1) the authority to cause a building to be torn down for the materials in the building, nor (2) authority