

county and a board of education desires to cooperate in the maintenance and operation of recreational activities, a recreation or playground director may be employed by a board of education for the purpose, and paid from funds under its control, for the purpose of supervising recreational activities within the school district during the summer vacation months as well as during other portions of the year.

2. It is not necessary that the political subdivision with which the school district is cooperating in the furtherance of a recreational program, pay any portion of the expense of securing a recreational director during the summer vacation months.

Respectfully,
 JOHN W. BRICKER,
Attorney General.

815.

POOR RELIEF—LEGAL SETTLEMENT—PERSON MUST RESIDE IN AND SUPPORT SELF FOR THREE CONSECUTIVE MONTHS IN TOWNSHIP, WITHOUT RELIEF TO GAIN LEGAL SETTLEMENT AND BE ENTITLED TO POOR RELIEF THEREIN.

SYLLABUS:

A person having a legal residence in one township and moving to another township in the same county, must continuously reside and support himself for three consecutive months, without relief under the provisions of law for the relief of the poor or 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, in the new township, before he gains a legal settlement for the relief of the poor in the new township.

COLUMBUS, OHIO, May 11, 1933.

HON. FRAZIER REAMS, *Prosecuting Attorney, Toledo, Ohio.*

DEAR SIR:—This will acknowledge receipt of your letter of recent date requesting an opinion upon the following facts:

“J. R. G. had a residence in Providence Twp. October 1, 1932, he moved to Swanton Twp. and occupied a farm with the intention of remaining there. Within a few days he applied to the Swanton trustees for work or relief. He was refused on the ground he was still a resident of Providence Twp. He thereupon applied to the Providence trustees, and in the period from October 1, 1932, to January 1, 1933, he was put to work by the Providence trustees on a county ditch and was paid by the county surveyor with county checks drawn on county funds. During this period he also received flour distributed by the Red Cross through the Providence trustees. During this period he was not a charge in any way upon Swanton Twp. Subsequent to January 1, 1933, he applied for and was given relief work by Swanton Twp., the Providence trustees having refused him any further relief. Each board now claims he is a resident of the other township.”

While you do not so state, I assume Providence and Swanton Townships are both in the same county, and predicate my opinion upon this assumption.

Section 3479, General Code, provides the manner of securing a legal settlement in a new township or municipality of a county other than that in which the indigent already has a legal settlement, and reads in part as follows:

"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, or 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. * * * *"

Section 3493, General Code, provides the requirement of the performance of labor by the recipient of public relief, and reads in part as follows:

"When public relief, not in a county or city infirmary is applied for, or afforded by the infirmary officials of any county or the trustees of a township or officers of a municipal corporation, and the applicant or recipient is able to do manual labor, such officers shall require a male applicant or recipient to perform labor to the value of the relief afforded, at any time, upon any free public park, public highway, or other public property or public contract therein, under the direction of the proper authorities having charge or control thereof. * * * *"

The residence of the indigent in this particular case was on October 1, 1932, in Providence Township, and on that date he moved to Swanton Township and requested relief from the Swanton Township trustees which was refused. Upon his request of the Providence Township trustees for assistance, he was provided with work and later furnished with flour by the Providence Township trustees. By receiving relief as provided for by Section 3493 in the way of work and the furnishing of flour by the Providence Township trustees he received such aid and assistance as is referred to in Section 3479, which would prevent his establishing his legal residence in Swanton Township prior to January 1, 1933, and having received relief from Swanton Township subsequent to January 1, 1933, he has been prevented from establishing a legal settlement in Swanton Township.

Specifically answering your question, it is my opinion that the indigent mentioned in your letter had not secured a legal settlement as provided for by Section 3479, General Code, in Swanton Township prior to January 1, 1933, and that Providence Township was responsible for his maintenance and support at that time.

Respectfully,

JOHN W. BRICKER,

Attorney General.