

It is accordingly my opinion that the exception contained in Section 7248-1 General Code, as to allowance for the weight of a tandem axle therein described, must be construed as an exception to maximum gross weight and load limitations prescribed in Section 7248-3, General Code.

Respectfully,

JOHN W. BRICKER,
Attorney General.

4810.

POOR RELIEF—WAGES RECEIVED BY FAMILY FOR CCC
WORK BY SON NOT “POOR RELIEF”.

SYLLABUS:

Where a family has a son in the Civilian Conservation Corps and the family receives a part of his wages earned therein, such family is not receiving “poor relief” within the contemplation of Section 3477 and 3479, General Code.

COLUMBUS, OHIO, October 18, 1935.

HON. VERNON L. MARCHAL, *Prosecuting Attorney, Greenville, Ohio.*

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

“I wish you would please render this office an opinion as to whether or not a family which has been on relief and which had a son in the Civilian Conservation Corps Camp, receiving \$25.00 per month of the earnings of such son from the Federal government, changed their residence from one Township to another within this County during such time, and lived for a period of more than ninety days in the new Township in the County without receiving any relief, the only payments made to them being the \$25.00 from the Federal government,—my question being as follows:

Whether or not they are legal residents of the new Township, or would be required to apply for relief at this time in the Township from which they had moved,—as the boy who had been in the Camp has been discharged from service.

The real question being whether or not the money received from the Federal Government as part payment of Civilian Conservation Corps wages is poor relief.”

It is first necessary to review the history of the legislation setting up the Civilian Conservation Corps. Emergency Conservation Work was initially established under the provisions of the Act of Congress, approved March 31, 1933. (Pub. No. 5, 73d Cong.) By Executive order of April 5, 1933, the agencies for the administration of the program were determined. The name "Civilian Conservation Corps" was adopted to designate the organization in which primarily young men between the ages of 18 and 25 years (now 18-28) were to be enrolled. There is also a separate Veterans' contingent of the Corps. The Executive authority was extended and additional funds provided by the Emergency Relief Appropriation Act of 1935, (Pub. Res. No. 11, 74th Cong., 1st sess.) approved April 8, 1935.

The President, in his Executive order issued on April 5, 1933, appointed a Director of Emergency Conservation Work and further directed the Secretaries of War, Agriculture, the Interior, and Labor, each to appoint a representative, these representatives to constitute the nucleus of an Advisory Council to the Director. The original Executive order has been supplemented from time to time and at present Emergency Conservation Work is a component part of the larger Federal "Works Program". The stated purpose of the Act reads, in part:

" * * * relieving the acute condition of widespread distress and unemployment now existing in the United States, and in order to provide for the restoration of the country's depleted natural resources and the advancement of an orderly program of useful public works, * * * to provide for *employing* citizens of the United States who are unemployed, in the construction, maintenance and carrying on of works of a public nature in connection with the forestation of lands belonging to the United States or to the several States which are suitable for timber production, the prevention of forest fires, floods and soil erosion, plant pest and disease control, the construction, maintenance or repair of paths, trails, and fire-lanes in the national parks and national forests, and such other work on the public domain, national and State and Government reservations incidental to or necessary in connection with any projects of the character enumerated, as the President may determine to be desirable".

An applicant for enrollment as a junior must be between 18 and 28 years of age, unmarried, unemployed, physically fit, a citizen of the United States with needy dependents of blood or obligation, and willing to allot a substantial portion of the \$30.00 minimum monthly cash allowance to a dependent beneficiary. In order to clear the public relief rolls, the applicant must definitely represent a family receiving relief or eligible for relief. Each enrollee receives his food, clothing, shelter and medical attention in camp during

his term of service. In addition he receives a minimum cash allowance of \$30.00 a month, most of which will be allotted to the people dependent on him, as it is estimated that an enrollee will not need more than \$5.00 a month in cash at camp for incidental expenses.

It should be noted that although the prospective enrollee must have dependents on relief, there is no requirement that he himself must be on relief, even though he must be unemployed. It should also be observed that his enrollment is designated as "employment", and not as "relief". In other words, the applicant is given employment and wages in return, part of which wages he must use to support his dependents on relief, in order to take them off the relief rolls.

Turning to the definitions of "legal settlement", Sections 3477 and 3479 of the General Code provide:

Sec. 3477:

"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, or relief 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."

Sec. 3479:

"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. 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."

Two former opinions serve to dispose of the question presented by your inquiry. I call your attention to my Opinion to be found in the *Opinions of the Attorney General for 1933*, Vol. 1, p. 471, which held as disclosed by the syllabus:

"A woman who is a resident of one county in this state and moves to another county of this state and there resides for twenty-

two months and is maintained *and supported by her brother* but is not aided by charitable institutions or organizations as mentioned in Section 3477, General Code, has gained a residence in the county where she last resided and said county, township or municipality is responsible for her care and support."

I also call your attention to my Opinion to be found in the *Opinions of the Attorney General for 1934*, Vol. 1, p. 419, which held, as disclosed by the first branch of the syllabus:

"1. Work under the PWA or CWA projects, as distinguished from Civil Works Service projects, does not constitute "relief under the provisions of law for the relief of the poor or relief 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", within the purview of Sections 3477 and 3479 of the General Code."

As pointed out above, the applicant for enrollment in the Civilian Service Corps need not be indigent and, by virtue of his enrollment, he is employed for wages and, even though part of such wages must go to his dependents, they are not receiving relief as contemplated by either Sections 3477 or 3479, General Code, but are being supported by virtue of the wages the enrollee receives from the Federal Government.

Consequently, in specific answer to your inquiry, it is my opinion that where a family has a son in the Civilian Conservation Corps and the family receives a part of his wages earned therein, such family is not receiving "poor relief" within the contemplation of Sections 3477 and 3479, General Code.

Respectfully,

JOHN W. BRICKER,
Attorney General.

4811.

SHAREHOLDER—PROXY IN BUILDING AND LOAN ASSOCIATION OR OTHER CORPORATION VALID WHEN.

SYLLABUS:

A proxy given by a shareholder in a building and loan association or general corporation on or after June 9, 1927, stipulating that it is "permanent" or "irrevocable" is not a writing which specifies either the date on which it is to