business for which it is incorporated. (Acts 1933, Ch. 40, Sec. 303, p. 176; 1935, Ch. 141, Sec. 1, p. 489; 1937, Ch. 33, Sec. 40, p. 173; 1941, Ch. 83, Sec. 3, p. 205.)”

In 13 Am. Jur., Corporations, § 775, it is said in part:

“It is well settled at common law, and as a general rule, that a corporation has the power to acquire and hold real estate. Such power need not be expressly conferred upon it. It has implied power to take and hold such real estate as is reasonably necessary to carry out the purposes of its organization. Vacant land may be held by a corporation where necessary for use in its manufacturing business. Moreover, a corporation is not restricted to present needs, but it may, to some extent, provide for its future needs * * *.”

Other sections of the Act contemplate that a credit union have a principal office (Sec. 297) and that it have a place of business (Sec. 322). It is difficult to see how a credit union could carry out the business for which it is incorporated without having a place of business, and therefore the acquisition of a place of business is necessary to enable it to function and do business and it has power to acquire the same by purchase or lease. This implied power is limited to the acquisition of such as is reasonably necessary for the purpose and reasonable growth and does not authorize speculation in real estate.

It is my opinion that a credit union may acquire such real estate by purchase or lease as is reasonably necessary for the transaction of its business.

OFFICIAL OPINION NO. 60
November 30, 1954

Hon. Ralph G. Hines
State Representative
1422 South Meridian Street
Portland, Indiana

Dear Sir:

This is in reply to your letter of November 16, 1954, which reads as follows:
"I have a specific case of hospitalization of an inmate of our County home that was taken to the County Hospital by the County Doctor, and given medical treatment over a period of time, and then returned to the County Home. The township trustee has refused to pay the bill and has advised the hospital that they will have to look to the county for payment.

"I would appreciate your official ruling as to whether or not this township trustee is liable for the payment of this hospital bill. As I understand the case, I would think that it was the clear cut obligation of the township trustee, but he still refuses to pay without a ruling from your office."

Every township trustee is constituted an overseer of the poor. Acts of 1935, Ch. 116, Sec. 1, as found in Burns' Indiana Statutes (1951 Repl.), Section 52-144, provides as follows:

"The township trustees of the several townships of this state shall be ex officio the overseers of the poor within their respective townships, and shall perform all duties with reference to the poor of their respective townships that may be prescribed by law. Every township trustee shall, in discharging the duties prescribed in this act [§§ 52-144—52-176, 52-177—52-181], be designated an overseer of the poor."

Acts of 1935, Ch. 116, Sec. 5, as found in Burns' Indiana Statutes (1951 Repl.), Section 52-148, provides as follows:

"The overseer of the poor in each township shall have the oversight and care of all poor persons in his township so long as they remain a charge, and shall see that they are properly relieved and taken care of in the manner required by law. He shall, in cases of necessity, promptly provide medical and surgical attendance for all of the poor in his township who are not provided for in public institutions; and shall also see that such medicine and/or medical supplies and/or special diets and/or nursing as are prescribed by the physician or surgeon in attendance upon the poor are properly furnished." (Our emphasis)
Under the above statutes it is the duty of the township trustee to provide for the expense of necessary hospitalization of a person having a legal settlement within the boundaries of his township where such person is a poor person and a township public charge. The Acts of 1935, Ch. 116, Sec. 3 as subsequently amended by Acts of 1951, Ch. 270, as found in Burns' Indiana Statutes (1951 Repl., 1951 Supp.), Section 52-146, does not alter this conclusion. (A 1953 amendment was stated to be unconstitutional because of a defect of title in 1953 O. A. G., page 226, No. 47.) The 1951 statute deals with County Homes and inmates thereof; sub-paragraph (d) of said statute provides as follows:

* * *

“(d) The board of county commissioners of such county shall, at their July meeting of each year, fix an amount to be charged for the care and maintenance per person in such county home or other charitable institution, which amount shall not exceed the sum of forty-three dollars per month or for lesser periods, ten dollars per week per person. Such charge shall cover the total amount to be charged for board, room, medical and nursing care, maintenance, clothing and all other items furnished within the county home, which items shall be available to all residents and patients on the same basis. Persons in need of such care in the county home and able to pay all or part of such uniform costs of care so fixed and established may be admitted on a voluntary basis to such county home or other charitable institution if deemed advisable by the board of county commissioners. Each township trustee of the several townships of such county shall pay to the county the amount so fixed for each such person admitted into such county home or other charitable institution from such township, except those otherwise able to pay the cost of such care so fixed from their own resources, or from old age assistance or other assistance awards. * * * Each township shall levy a tax sufficient to meet said expenses. Payment and settlement shall be made in July and December of each year for the preceding year.” (Our emphasis)
The total charge to the township authorized by the last quoted provision is for items furnished within the County Home. Where a resident of the County Home who is a township public charge, requires hospitalization which cannot be provided by the County Home, then such poor person may be provided for in the manner authorized by the Acts of 1935, Ch. 116, Sec. 5, supra, with regard to such necessary hospitalization. Therefore, the duty would remain with the township trustee to provide such hospitalization and its accompanying medical and surgical care for the poor person of his township.

It is my conclusion that where a poor person has a legal settlement within a particular township and constitutes a township public charge, the mere circumstance that such poor person has been admitted to a County Home does not relieve the township trustee of the particular township from providing for the expense of necessary hospitalization of such poor person where the nature of the care required is such that it cannot be furnished within the County Home.

OFFICIAL OPINION NO. 61

December 1, 1954

Mr. R. R. Wickersham
State Examiner
State Board of Accounts
Room 304, State House
Indianapolis, Indiana

Dear Mr. Wickersham:

This is in reply to your letter which, in part, reads as follows:

"We have received a request for an opinion on the question of the power of a board of school trustees of a school corporation to provide by rule or regulation for 'sick leave' for teachers of such corporation which are more liberal than the provisions for such purposes as set out in Section 2, Chapter 293, Acts 1951 (28-4333). This statute grants to the teacher seven days sick leave