

SOLDIERS' AND SAILORS' CHILDREN'S HOME: Admission to institution—qualifications for.

August 18, 1933.

Hon. L. A. Cortner, Supt.,
Indiana Soldiers' and Sailors' Children's Home,
Knightstown, Indiana.

Dear Sir:

I have before me your recent request for an official opinion and presenting the following question:

"We have recently received an application for the admission of a child to this institution whose father was not an honorably discharged soldier, sailor, marine, etc., but whose stepfather, who has assumed the responsibility for this child for several years, is an honorably discharged soldier, and that the same is destitute of means of support and education. Would this family of children be eligible to this institution because of the service of the stepfather?"

Under Section 4271, Burns Annotated Indiana Statutes, 1926 Revision, governing the admission of pupils into the Indiana Soldiers' and Sailors' Children's Home, we find that children of an honorably discharged sailor, soldier, or marine are to be admitted into the Indiana Soldiers' and Sailors' Children's Home.

The primary sense of children is off-spring, and that is the sense in which it is ordinarily used when the question of relationship is involved. It is indeed often applied by elderly persons as a word of endearment or affection to one younger where no relationship whatsoever exists. But it cannot, be properly held, when found in a statute or contract to include stepchildren.

Tepper v. Supreme Council of Royal Arcanum, 45

Atl. 111, 115, 59 N. J. Eq. 321;

See also: Hussey v. Dillon, Ambler, 603;

Cutter v. Doughty, 23 Wend. 513, 521.

See also, Houston v. McKinney, 45 So. 480, 481, 54 Fla. 600, which holds that a step-child does not come within the purview of the primary sense of the term "children."

Words used in statutes are to be given the usual and proper significance, and it seems to me that the word "children" as

used in the section of the statute here under consideration, must be given its popular significance, namely as immediate offspring. It is therefore, my opinion, that a step-child of an honorably discharged soldier would not be eligible to be admitted to the Indiana Soldiers' and Sailors' Children's Home.

WEIGHTS AND MEASURES, DEPT. OF: Inspector of weights and measures—authority of county council to appropriate money necessary for salary of.

August 18, 1933.

Hon. M. L. Lang,
Commissioner of Weights
and Measures,
Indianapolis, Indiana.

Dear Sir:

I have before me your letter of August 11, 1933, in which you ask the following questions:

1. Does the county council have the authority to refuse to appropriate such sums of money as are necessary for the salary and office maintenance of a county inspector of weights and measures in a county where:

- (a) the population is 30,000 or more;
- (b) the population is less than 30,000, or
- (c) the same person is employed as both city and county inspector?

2. Does the county council have the authority in any of the above cases, to appropriate a sum so small for the salary and maintenance of the office as to make the continuance of the office impossible?

The law applicable to the matters inquired about, is found in sections 3 and 4 of chapter 86, Acts of 1925. (Sections 14570, 14571, Burns Annotated Indiana Statutes, Revision of 1926.) These sections read in part as follows:

"The board of commissioners of every county of thirty thousand population or more shall, and the board of commissioners of any county of less than thirty thousand population may appoint a county inspector of weights and measures. No person shall be appointed as a county inspector of weights and measures in any