> school corporation. Of course the act of abandonment would render the town school corporation incapable of carrying out its part of the contract. This would not in and of itself, however, invalidate the contract but would simply constitute a breach of it and would render liable in damages any school corporation which assumed the obligations of the town school corporation."

It is my opinion, therefore, that the new consolidated school corporation may have some obligation to teachers who held tenure contracts with the former school city of Lawrenceburg.

As was said by the Supreme Court in the case of State, ex rel., Anderson v. Brand, 5 N. E. (2d) 531:

> "The Tenure Law does not purport to give a teacher a definite and permanent contract. The word 'indefinite' is used in the statute itself. The contract is variable as to compensation, and the tenure is permanent only in the event that it is not necessary to reduce the number of teachers. In effect, therefore, it gives the tenure teacher preferential rights over the teachers who have not attained a tenure status."

It is my opinion, therefore, that both of your questions should be answered in the affirmative, subject only to such dismissals as are made necessary by a reduction in the number of teachers.

SOLDIERS' HOME, STATE: Right to admit wives of disabled soldiers.

July 15, 1937.

Col. Frank S. Clark, Commandant,
Indiana State Soldiers' Home,
Lafayette, Indiana.

Dear Sir:

This will acknowledge receipt of your letter of July 14 in which you ask the question as to whether or not the wife of a soldier who has deserted her is eligible to your home without the soldier husband being there.

In reply to this question beg to say that the only statute which I can find governing admission to your home is section 22-2211, Burns Indiana Statutes, 1933 revision, which among other things contains the following provisions:

> "* * * Also the wives of such disabled and destitute soldiers, sailors and marines, and disabled and destitute widows over forty-five (45) years of age, of soldiers, sailors or marines of the United States, who have been residents of the State of Indiana for two (2) years immediately preceding, and who are residents at the time of application for admission to the home, may be admitted to the Indiana State Soldiers' Home as members thereof, under such rules and regulations as may be adopted by the board of trustees: * * *"

There is nothing in the Act above quoted which limits the right to admit wives to your institution on the condition that the husbands are also inmates. The only limitation seems to be that they be wives of disabled and destitute soldiers, sailors or marines.

You will note that the statute further confers upon the board of trustees authority to admit, in deserving destitute cases, widows who may be under the age of forty-five years.

In an opinion of this office issued August 9, 1933, to the Governor, this office held that a wife of a soldier who himself was entitled to admission to your institution was also entitled to admission without regard to her age.

It is my opinion, therefore, that you may admit to your institution wives of soldiers who are disabled or destitute, provided they meet the residence requirements. The fact that the husband himself is not an inmate of your institution would not preclude the wife if he himself is disabled and destitute. Of course, if the husband is strong and able-bodied and able to support his wife I think she would not be entitled to claim the right of admission to your home.

I am further confirmed in this view of the law by the rule which the board has adopted to the effect that:

> "Any woman who is divorced from her soldier husband is neither the wife nor widow of a soldier, and therefore not eligible for admission to the home."

It seems that the board has recognized a duty owing from the husband to his wife, which the state will assist him in discharging if he is disabled or destitute. When the marital relations are severed by divorce this duty ceases to exist. This was doubtless the reason which prompted the adoption of the rule.

HEALTH, STATE BOARD OF: County health officers, salary of part time officers.

July 16, 1937.

Hon. Verne K. Harvey, M. D.,
Director Indiana State Board of Health,
State House Annex,
Indianapolis, Indiana.

Dear Sir:

Receipt is acknowledged, under date of July 8, 1937, of a request for an official opinion upon the following facts as set out in your request, which letter is as follows:

> "May I have an official opinion from you on the following facts, to wit: The county health officer of Vanderburgh County is now receiving approximately $1,500.00 per year. Chapter 217 of the Acts of 1935, attention being directed to section 1, would change this salary from $1,500.00 per year to approximately $360.00 per year, starting January 1, 1938.
>
> "Does this Act provide any means whereby there may be added to the estimated $360.00 per year a sufficient amount to put the salary back to approximately $1,500.00 per year for that local health officer? Your attention is directed to section 10 of the Act, wherein the local health officer of the county may receive gifts, etc. Can this section be so interpreted that the county council can vote an additional sum to the estimated $360.00 to bring it up to the present salary of $1,500.00 per year? Health officers serving under this arrangement devote part-time to the office unless otherwise specified in chapter 217 of the Acts of 1935."

Section 217 of the Acts of 1935, as approved March 11, 1935, section 12 of the Act, provides in part as follows: