

the various *public records* photographed by the film process, the purpose being to preserve the records in case of the destruction of the originals by fire or other catastrophe. You are respectfully requested to furnish this department your written opinion upon the question contained in this letter."

The letter which is attached requests an opinion as to the legality of the purchase of a process which can photograph all records, documents, etc., on a small roll of film from which it is possible to produce prints.

A board of county commissioners has only such powers as are expressly granted by statute or necessary to carry the express powers into effect, 11 Ohio Jurisprudence 322. (Citing cases). This is particularly true of the power of county commissioners in their financial transactions. *State, ex rel. Menning*, 95 O. S. 97. It should be noted that the question involved herein is not one of the authority of the board of county commissioners to have public records copied for instant use but one of its authority to have a miniature photographic reproduction of such records made for the purpose of preserving the same.

An examination of the statutes of Ohio reveals that while in several instances authority is given to various county officers to have public records of the county recopied (Section 2493, General Code, allowing county commissioners to have worn records transcribed; Section 2774, General Code, recorder to transcribe worn records, etc.) and that under certain conditions such copying or recording may be done by photographic process (Section 32-1, General Code), there exists no statutory authority for a board of county commissioners to have public records of a county copied for the purpose of preservation.

In view of the foregoing, I am of the opinion that a board of county commissioners has no authority to purchase a process by which a miniature photographic reproduction of county records may be made for the purpose of preserving the same.

Respectfully,

GILBERT BETTMAN,
Attorney General.

3726.

INDIGENT FEMALE—DUTY OF TOWNSHIP OR MUNICIPAL CORPORATION TO FURNISH MEDICAL RELIEF—MAY BE REIMBURSED FROM COUNTY OF LEGAL SETTLEMENT.

SYLLABUS:

1. *Where an indigent woman is about to be confined, and is not in the county of her legal settlement, it is the duty of the authorities of the township or municipal corporation where she is found to furnish the services of a physician under section 3480 of the General Code.*

2. *Where such relief is given, the subdivision furnishing the same may be reimbursed from the county in which such person has a legal settlement in the manner set forth in section 3484-2 of the General Code.*

COLUMBUS, OHIO, November 3, 1931.

HON. GEORGE S. MIDDLETON, *Prosecuting Attorney, Bellefontaine, Ohio.*

DEAR SIR:—Acknowledgment is made of your recent letter which reads:

"The Township Trustees of Zane Township, Logan County, Ohio.

have been served with a notice of an attending physician, under Section 3480 of the General Code, for fees in a confinement case, of an indigent person not a legal resident of either Zane Township or Logan County, Ohio.

Our question is, 'Are the Township Trustees of Zane Township, Logan County, Ohio, liable for this indebtedness, or should the attending physician make his claim to the Township Trustees where the indigent person has a legal residence, as defined in Section 3477 of the General Code?'

Section 3480 of the General Code to which you refer reads:

"When a person in a township or municipal corporation requires public relief, or the services of a physician or surgeon, complaint thereof shall be forthwith made by a person having knowledge of the fact to the township trustees, or proper municipal officer. If medical services are required, and no physician or surgeon is regularly employed by contract to furnish medical attendance to such poor, the physician called or attending shall immediately notify such trustees or officer, in writing, that he is attending such person, and thereupon the township or municipal corporation shall be liable for relief and services thereafter rendered such person, in such amount as such trustees or proper officers determine to be just and reasonable. If such notice be not given within three days after such relief is afforded or services begin, the township or municipal corporation shall be liable only for relief or services rendered after notice has been given. Such trustees or officer, at any time may order the discontinuance of such services, and shall not be liable for services or relief thereafter rendered."

In analyzing the above section, together with its related sections, it would appear that it does not take into consideration the question of residence or legal settlement of the person who is ill and in need of a physician or surgeon. At least when emergency cases such as you describe are involved, it is evident that the delay in determining the residence of the patient, or the delay in working out the relative liability of the political subdivisions can not be countenanced. Humanity, in such cases, requires relief to be promptly furnished. It will therefore appear that the municipal officers or township trustees are to furnish such relief in the manner provided by section 3480, supra.

However, sections 3480-1 and 3484-2, General Code, set forth the methods whereby subdivisions furnishing such relief may be reimbursed for such expenditures. The latter section, which relates to such relief furnished to persons who have a legal settlement in another county, reads in part:

"When a person requiring medical services or the services of a hospital, in cases other than contagious, has legal settlement in a county other than the one in which such service is rendered, and is unable to pay the expenses of such service, and such service is rendered by a municipality or township, the municipality or township rendering such service shall notify in writing the county commissioners of the county of legal settlement that such service is being rendered. * * *"

The section further sets forth the method of procedure to be followed in presenting the claim and also provides:

"* * * Thereupon the county of legal settlement shall be liable

to the municipality or township rendering such service for the expenses of such service, including hospital service, at the established rate of the municipality or township therefor, and shall pay for the same within thirty days after date of the sworn statement of expenses. * * *"

In view of the foregoing and in specific answer to your inquiry, it is my opinion that:

First, where an indigent woman is about to be confined, and is not in the county of her legal settlement, it is the duty of the authorities of the township or municipal corporation where she is found to furnish the services of a physician under section 3480 of the General Code.

Second, where such relief is given, the subdivision furnishing the same may be reimbursed from the county in which such person has a legal settlement in the manner set forth in section 3484-2 of the General Code.

Respectfully,

GILBERT BETTMAN,
Attorney General.

3727.

DEPUTY TOWNSHIP CLERK—UNAUTHORIZED TO ISSUE HUNTERS' LICENSES OUTSIDE OF TOWNSHIP OF APPOINTMENT.

SYLLABUS:

A deputy township clerk appointed under the provisions of Section 1432, General Code, may not issue and sell hunters' licenses outside of the township in which he was appointed.

COLUMBUS, OHIO, November 3, 1931.

HON. CARL J. CHRISTENSEN, *Prosecuting Attorney, Toledo, Ohio.*

DEAR SIR:—This will acknowledge receipt of a request for my opinion which reads:

"Section 1432 of the General Code of Ohio authorizes Township Clerks to deputize others to issue hunters' licenses.

"Can such deputy, appointed by township clerks, sell (issue) hunters' licenses in City of Toledo—in any part (any county) in the State?"
Section 1432, General Code, to which you refer, reads in part as follows:

"Hunter's and trapper's license shall be issued by the clerk of the common pleas court, village and township clerks. Whenever the township clerk deems it advisable, he may designate one or more deputies in his township to distribute hunter's and trapper's licenses.

* * *

* * *"

It should be noted that the above section gives the township clerk authority to designate, if he deems it advisable, one or more deputies in this township to distribute hunters' and trappers' licenses, the inference being that such deputy or