

3066.

APPROVAL, NOTES OF EMPIRE VILLAGE SCHOOL DISTRICT, JEFFERSON COUNTY, OHIO—\$7,816.00.

COLUMBUS, OHIO, August 21, 1934.

Retirement Board, State Teachers Retirement System, Columbus, Ohio.

3067.

COUNTY—MAY COLLECT FROM ESTATE OF INMATE FOR MONEY PAID TO STATE FOR CLOTHING FOR INMATE OF OHIO HOSPITAL FOR EPILEPTICS.

SYLLABUS:

1. *A county which has paid the state for the clothing furnished an inmate at the Ohio Hospital for Epileptics, committed from that county pursuant to section 1816, General Code, can be reimbursed for the amount expended from the estate of the inmate. The county auditor, after the claim has been paid by the county upon the order of the county commissioners, is by virtue of section 1816, General Code, required to collect the amount paid, in the name of the state from the estate of the inmate.*

2. *In an action brought by the county by virtue of section 1816, General Code, against the estate of a ward at the Ohio Hospital for Epileptics for clothing and other incidentals furnished the inmate and for which the county has already paid the state, the county is the real party in interest, and the statute of limitations runs against the county in bringing the action. The liability being a liability created by statute is governed by section 11222, General Code. The cause of action in favor of the county against the estate of the ward accrues on the date payment is made to the state and the county is limited to six years from the date of payment in bringing the action.*

COLUMBUS, OHIO, August 21, 1934.

HON. JOSEPH J. LABADIE, *Prosecuting Attorney, Ottawa, Ohio.*

DEAR SIR:—This will acknowledge receipt of your request for my opinion, which reads as follows:

"I would like your opinion in the following matter: An adult person, whose residence was in Putnam County, Ohio, after a proper hearing before the Probate Court, was committed to the Ohio Hospital for Epileptics. Putnam County paid for clothing furnished this man upon proper invoices sent by said hospital from January 1st, 1918, to January 1st, 1932, the amount paid being \$133.79. No bills have been sent to this county since said last date.

This man's mother died on February 3, 1933, leaving as her only heir, this epileptic person above mentioned. Consequently this man in-