

3. A foreign bank, trust company, or public utility company engaged in this state in interstate commerce, is not required to file the annual reports required of certain corporations by Section 8625-7, General Code.

Respectfully,

JOHN W. BRICKER,
Attorney General.

3191.

INDIGENT PERSON—WITHOUT LEGAL SETTLEMENT RECEIVING
MEDICAL ATTENTION—COUNTY RATHER THAN TOWNSHIP
LIABLE.

SYLLABUS:

Township Trustees are not obligated to pay for hospital and surgical services in an appendicitis case when such person receiving services had not acquired a legal settlement in the State of Ohio, but such is an obligation of the county wherein such person is residing if the required notice is furnished the county commissioners of the county wherein such person is residing.

COLUMBUS, OHIO, September 11, 1934.

HON. RAYMOND E. LADD, *Prosecuting Attorney, Bowling Green, Ohio.*

DEAR SIR:—I am in receipt of your recent communication which reads as follows:

"The Trustees of Henry Township, Wood County, have been notified by a hospital in Findlay, Hancock County, that it will look to them for payment for the operation and hospital services of a person who has resided in Henry Township, Wood County, since March 1st, 1934.

The facts are as follows: In June, 1933, a man and wife, legal residents of Boston, Mass., sold out their property and came to Findlay, Hancock County, and lived there for a period of nine months, at which time their finances became exhausted and they moved in with their son-in-law, John Buck, at North Baltimore, Henry Township, Wood County, Ohio, on March 1st, 1934 and have resided there up to the present time. On or about Monday, August 6th, 1934, the wife had an attack of acute appendicitis and was taken to Findlay hospital and operated upon.

Question—Are the Trustees of Henry Township, Wood County, Ohio, liable for the hospital bill and surgical services?

I have been unable to find any opinion covering this specific question. I do find in Section 3479 of the General Code that when a person has, for a period more than one year, not secured a legal settlement in any county, township or city in the state, he shall be deemed to have a legal settlement in the county, township or city where he last had such settlement.

You will note from the facts stated above that this man and wife have resided in the State of Ohio for a period of about fourteen

months, but have not obtained a legal residence in either Henry County or Wood County, as far as our relief laws are concerned. It has always been my understanding that before a township became liable the person had to reside in the county a year and in the township three months without any help from any organized society or relief organization keeping account of such relief.

I would appreciate the favor of an opinion from you as to whether the township is liable or Wood County for the medical services under Section 3479, General Code."

Section 3477 of the General Code provides in part as follows:

"Each person shall be considered to have obtained a legal settlement in any county in this state in which he or she has continuously resided or supported himself or herself for twelve consecutive months, without relief under the provisions of law for the relief of the poor,
* * *"

Section 3479, General Code, provides in part:

"Any person having a legal settlement in any county in the state shall be considered as having a legal settlement in the township, or municipal corporation therein, in which he has last resided continuously and supported himself for three consecutive months without relief under provisions of the law for the relief of the poor."

I call your attention to an opinion of my predecessor in office to be found in Opinions of the Attorney General for 1932, Vol 1, page 53, which held as disclosed by the syllabus:

"Where a person has a legal settlement in one county of this state, he may not acquire such a settlement in another county until he has resided and supported himself therein for the period of one year."

It is fundamental in our poor laws that before the township trustees of a particular township may afford poor relief to a person residing therein, that such person must have a legal settlement in that township and in order to have a legal settlement in that township he must also have a legal settlement in the county in which such township is located.

Under the facts presented by your inquiry, although the particular person who has received hospital care has resided in the State of Ohio for more than one year, nevertheless such person never obtained a legal settlement within the State of Ohio, since neither the wife nor husband ever resided continuously in any one county in the State of Ohio long enough to acquire a legal settlement.

Therefore, specifically answering your first question, it is my opinion that the township trustees of Henry Township, Wood County, are not liable for the medical services rendered by the Findlay Hospital in Hancock County since the woman never had a legal settlement in the State of Ohio.

However, you ask a further question, whether or not Wood County would be liable for the medical services under the state of facts presented by your inquiry. I call your attention to Section 3476, General Code, which provides in part:

" * * * It is the intent of this act that townships and cities shall furnish relief in their homes to all persons needing temporary or partial relief who are residents of the state, county and township or city as described in Sections 3477 and 3479. *Relief to be granted by the county shall be given to those persons who do not have the necessary residence requirements*, and to those who are permanently disabled or have become paupers and to such other persons whose peculiar condition is such they cannot be satisfactorily cared for except at county infirmary or under county control. * * * " (Italics the writer's.)

I call your attention to an opinion of one of my predecessors in office to be found in Opinions of the Attorney General for 1927, Vol. II, page 1106, which held as disclosed by the first branch of the syllabus:

"1. Where an indigent person who is a non-resident of the state of Ohio is permanently disabled by the loss of both limbs or other serious injury and is removed to a hospital for necessary treatment, it is the duty of the county in which such injury was sustained to extend the necessary relief, including the payment of the necessary medical and surgical attendance, hospital expenses, etc."

It was stated at page 1108 after quoting Sections 3477 and 3479, General Code:

"From the provisions of the foregoing statutes it will be noted that it is the duty of townships and cities, to furnish relief to all residents of the state, county, township or city under Sections 3477 and 3479, supra, who need temporary relief and to all such residents who permanently need partial relief, while it is the duty of the county to furnish relief to persons who do not have the necessary residence requirements prescribed by Sections 3477 and 3479, supra. * * *."

Inasmuch as the particular indigent was residing in Wood County at the time of the rendering of hospital services, even though she had not acquired legal settlement in the State of Ohio, it is my opinion that assuming all the legal steps of notice, etc. are taken that Wood County would be liable for the medical services rendered by the Findlay Hospital in Hancock County.

Respectfully,

JOHN W. BRICKER,
Attorney General.

3192.

APPROVAL — BOND FOR THE FAITHFUL PERFORMANCE OF HIS
DUTIES AS RESIDENT DISTRICT DEPUTY DIRECTOR—JOHN W.
ALANIVA.

COLUMBUS, OHIO, September 11, 1934.

HON. O. W. MERRELL, *Director, Department of Highways, Columbus, Ohio.*