

ances and compensation allowed by law, and shall give to the person making payment thereof an official receipt in manner and form as may be prescribed by the bureau of inspection and supervision of public offices."

Section 2979, General Code, reads:

"On or before January 15th annually, each of said officers shall file with the prosecuting attorney of his county, a report in writing showing the amount of fees, percentages, penalties, allowances and other perquisites due his office from each person or corporation which has remained due and unpaid for more than one year prior to January 1st, next preceding, and it shall be the duty of the prosecuting attorney to immediately proceed to collect the same by any of the means provided by law, and to pay the amount so collected into the county treasury to the credit of the general county fund. The county auditor shall not issue his warrant to either of said officers for his salary for the month of January in any year until said report has been filed with the prosecuting attorney as herein required."

From the above quoted sections, it is apparent that in the event the fees set forth by section 2623 are unpaid, the same should be certified to the prosecuting attorney for collection.

As to your last question relative to what compensation other than that allowed by section 2623, General Code, may be charged for marking weights and measures, an examination of the statutes discloses no authority for charging such compensation other than that authorized by section 7970, which allows the state sealer of weights and measures to charge the sum of five dollars for inspecting, testing and registering illuminating gas and gas meter-provers.

Respectfully,

GILBERT BETTMAN,

*Attorney General.*

3454.

POOR RELIEF—TEMPORARY AND PARTIAL—FOR INDIGENT ILLEGITIMATE CHILD HAVING LEGAL SETTLEMENT IN A CITY—CHARGED TO SUCH CITY RATHER THAN TO THE COUNTY.

*SYLLABUS:*

*Where an indigent illegitimate child has a legal settlement in a city, the cost of temporary and partial relief for its support shall be charged to such municipal corporation and not to the county in which such city is located.*

COLUMBUS, OHIO, July 24, 1931.

HON. ERNEST M. BOTKIN, *Prosecuting Attorney, Lima, Ohio.*

DEAR SIR:—Your recent request for my opinion reads:

"The mother of an illegitimate child has a legal settlement in the city of L. and such settlement has been continuous since a time prior to

the date of the birth of the child. Said child was born in said city and is now under the age of two years. The mother and the child are indigent. The paternity of said child cannot be established.

"I desire your opinion on this question: Is the city of L. responsible for the maintenance of said child or is the county in which said city is located responsible?"

I assume for the purpose of this opinion that the relief is to be furnished is temporary and partial relief.

It is a well known principle of law in Ohio that an illegitimate child takes the domicile of its mother.

*Sturgeon v. Korts*, 34 O. S., 525.

And it follows that the same would be true of the legal settlement of the illegitimate child.

Section 3476, General Code, reads in part as follows:

"Subject to the conditions, provisions and limitations herein, the trustees of each township or the proper officers of each city therein, respectively, shall afford at the expense of such township or municipal corporation public support or relief to all persons therein who are in condition requiring it. \* \* \*"

It is clear from this section that it is the intent of the law that the proper officer of the city shall afford at the expense of such municipal corporation public support or relief to any person therein whose condition requires it.

I am, therefore, of the opinion that where an indigent illegitimate child has a legal settlement in a city, the cost of temporary and partial relief for its support shall be charged to such municipal corporation and not to the county in which such city is located.

Respectfully,

GILBERT BETTMAN,  
*Attorney General.*

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3455.

COUNTY COMMISSIONERS—EMPOWERED TO ACCEPT GIFT OF REAL ESTATE FROM INMATE OF COUNTY HOME, SPECIFIC PROVISION NOT TO BE INCORPORATED IN DEED OF GIFT—WHEN COUNTY LIABLE FOR COMMISSIONERS' TORTS.

*SYLLABUS:*

1. *County commissioners are empowered to accept a gift of real estate from an inmate of the county home.*

2. *In the event a deed of gift of real estate is made to the commissioners of a county by the inmate of a county home, no provision should be contained therein which would prevent the county commissioners from complying with the require-*