

dividual stockholders in excess of five shares. Such excess number of shares over five shares held by any stockholder are non-voting shares as long as so held, and in so far as voting privileges or requirements are concerned would be in the same position as shares belonging to any other non-voting class of shares.

I am therefore of the opinion that in the event the above contemplated provisions are incorporated in the articles of incorporation of a corporation organized under the General Corporation Act for the purpose of computing the number of shares of the corporation authorized to vote at any given time, it is necessary to deduct from the total number of authorized and outstanding shares, such number of shares as may be held by any stockholders in excess of five shares. Furthermore, such excess number of shares held by stockholders in excess of five are non-voting shares as long as so held, and in so far as voting privileges or requirements are concerned would be in the same position as shares belonging to any other non-voting class of shares.

Respectfully,

GILBERT BETTMAN,
Attorney General.

589.

APPROVAL, FINAL RESOLUTION ON ROAD IMPROVEMENT IN
FAYETTE COUNTY.

COLUMBUS, OHIO, July 2, 1929.

HON. ROBERT N. WAID, *Director of Highways, Columbus, Ohio.*

590.

DISAPPROVAL, FINAL RESOLUTION ON ROAD IMPROVEMENT IN
FAYETTE COUNTY.

COLUMBUS, OHIO, July 2, 1929.

HON. ROBERT N. WAID, *Director of Highways, Columbus, Ohio.*

DEAR SIR:—I am in receipt of your letter of July 2, submitting for my approval as to form and legality supplemental final resolution covering the improvement of:

Fayette I. C. H. No. 10-A—Amount \$19,375.00.

The certificate of the Auditor of the Division of Highways executed on July 2, 1929, fails to disclose that there has been any amount appropriated from the highway improvement fund of the Department of Highways and Public Works, Division of Highways of Ohio to pay the State's share of the cost of this improvement. The authentication certificate of the president and clerk of the board of county commissioners of Fayette County is also not dated.

In view of the foregoing, I am returning this final resolution without my approval endorsed thereon.

Respectfully,
GILBERT BETTMAN,
Attorney General.

591.

QUARANTINE—HEALTH BOARDS DETERMINE NECESSITIES AND TOWNSHIP TRUSTEES INDIGENT CIRCUMSTANCES OF PERSONS CONFINED—HEALTH COMMISSIONER AS ATTENDING PHYSICIAN, DISCUSSED.

SYLLABUS:

1. *In all cases of quarantine for contagious diseases by the board of health, such board of health having jurisdiction has the sole power to determine what necessities of life, including medical attention, as defined in Section 4436, General Code, shall be furnished to persons so quarantined.*

2. *The question of the indigent circumstances of persons so quarantined should be determined by the township trustees of the township in which such persons may be quarantined at the time any bills authorized by Section 4436, General Code, are presented to the township trustees for payment.*

3. *When a house or other place is quarantined on account of contagious disease by a board of health having jurisdiction, and such board of health has provided necessities and medical attendance, as authorized in Section 4436, General Code, and properly certified such expenses as therein provided to the township trustees for payment, after having determined that the persons so confined are unable to make such payment, the township trustees have no authority to refuse such payment or reduce the amount thereof.*

4. *Under the provisions of Section 4436, General Code, when a house or other place is quarantined on account of contagious disease, a part-time health commissioner may be in attendance of a case in a house or other place so quarantined, without the express or implied consent of the township trustees of the township in which such house or place is located. In the event a part time health commissioner is in attendance in such case, either upon his own order or upon the order of the board of health, he may be compensated for such services by the township trustees in addition to his salary as part time health commissioner, providing the persons quarantined are unable to pay and further providing that such services are not within his duties as health commissioner.*

COLUMBUS, OHIO, July 2, 1929.

HON. EMMITT L. CRIST, *Prosecuting Attorney, Circleville, Ohio.*

DEAR SIR:—Your letter of recent date reads as follows:

“Pickaway County has a part time health commissioner who by reason thereof has the privilege of practicing medicine as an individual.

It became necessary to quarantine a certain house in a township under the provisions of General Code 4436, by reason of a contagious disease therein. The health commissioner proceeded to perform his duties under this section,