

Number	Name
755	Henry Rossman
756	W. S. Shumaker
757	Andy Shifley
758	Mamie McCurdy
759	Maud Rice
760	Mary M. Fauser
761	Otto C. Harrer
762	P. W. Wagner
763	W. P. Baker
764	Choice N. Culver

By the above grants there is conveyed to the State of Ohio, certain lands described therein, for the sole purpose of using said lands for public fishing grounds, and to that end to improve the waters or water courses passing through and over said lands.

Upon examination of the above instruments, I find that the same have been executed and acknowledged by the respective grantors in the manner provided by law and am accordingly approving the same as to legality and form, as is evidenced by my approval endorsed thereon, all of which are herewith returned.

Respectfully,

HERBERT S. DUFFY,

*Attorney General.*

551.

INDIGENT POOR—OPERATION EXPENSE—TOWNSHIP.

*SYLLABUS:*

*The cost of an operation performed upon an indigent person must be paid by the township in which such indigent person has a legal settlement.*

COLUMBUS, OHIO, May 3, 1937.

HON. HENRY J. K NAPKE, *Prosecuting Attorney, Celina, Ohio.*

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

“The Health Commissioner of Mercer County ordered an

operation to be performed on an indigent who was a "Typhoid Carrier." This person has a legal residence in the Township in which she lived.

"Question: Is this a Township or County Bill? If a County Bill what Fund is it to be paid from?"

In your request you state that this person has a legal residence. Section 3479 of the General Code defines legal settlement for purposes of poor relief. This section reads as follows:

"A 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 the provisions of law for the relief of the poor, or from any charitable organization or other benevolent association which investigates and keeps a record of facts relating to persons who received or apply for relief. When a person has for a period of 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 has such settlement."

A well formulated discussion of this section as to the legal settlement will be found in the 1933 Opinions of the Attorney General, Volume 1 at page 698, being Opinion numbered 815.

A further discussion of this section in its entirety as to legal settlement will be found in Volume 1 of the 1932 Opinions of the Attorney General at page 503.

Assuming this person to have had a legal settlement in the township in which she lived, Section 3476 of the General Code answers your query as to who shall pay for the poor relief. This section provides 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 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 the county infirmary or under county control. When a city is located within one or more townships, such temporary relief shall be given only by the proper municipal officers, and in such cases the jurisdiction of the township trustees shall be limited to persons who reside outside of such a city."

Under Attorney General's Opinion numbered 2560, found in Volume 3 at page 2075 of the 1928 Opinions of the Attorney General, the law is clearly defined that temporary relief by township trustees includes medical and surgical attention and transportation to hospital and that the laws for poor relief are to be liberally construed as to accomplish the object and purpose of their enactment.

Under Section 1237-4 of the General Code, the expenditure of any public moneys by the Department of Health to provide medical or nursing attendance or service is prohibited. This section reads as follows:

"Nothing in this act shall be construed as authorizing, or permitting, the expenditure of any public moneys to provide medical or nursing attendance or service."

Opinion numbered 3199, published in Volume I at page 622 of the Opinions of the Attorney General for 1931 goes even further than your question, wherein it is held that the township is responsible for the costs of vaccination for smallpox and other medical services performed upon an indigent resident of that township.

Section 3480 of the General Code of Ohio reads as follows:

"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 specific answer to your question, I would say that in view of the foregoing sections and the cited opinions of the Attorney General and in further view of the opinion of the Attorney General as reported in Volume I of the Opinions of the Attorney General for 1923, at page 355, it is my opinion that the costs of an operation performed upon an indigent person who has a legal settlement in the township in which he or she resides must be paid by the township.

Respectfully,

HERBERT S. DUFFY,  
*Attorney General.*

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552.

APPROVAL—TRANSCRIPT OF PROCEEDINGS RELATING TO  
ABANDONED CANAL LANDS SITUATED IN LIBERTY  
TOWNSHIP, FAIRFIELD COUNTY, OHIO.

COLUMBUS, OHIO, May 3, 1937.

HON. CARL G. WAHL, *Director, Department of Public Works, Columbus, Ohio.*

DEAR SIR: This is to acknowledge the receipt of your recent communication with which you submit for my examination and approval a transcript of your proceedings as Superintendent of Public Works and as Director of said department, relating to the sale to one Peter E. Roshon of Baltimore, Ohio, of a tract of abandoned Ohio Canal lands situated in Liberty Township, Fairfield County, Ohio, the same being a part of Section 24, Town 16 North, Range 19 West, Ohio River Survey, and being more particularly described as follows:

Commencing at a line drawn at right angles through station 1127, of W. H. Heiby's transit line of his survey of the Ohio Canal south of the flume at Buckeye Lake in Fairfield County, Ohio, made under the direction of the Superintendent