

all former bills of sale back to and including the original bill of sale or the sworn statement of ownership, if any, yet in a case of this kind the law does not, in my opinion, require of the clerk of courts or of the transferee presenting such duplicate bill of sale for filing, anything more than the law in such case requires of the sheriff, bailiff or other like officers selling such car on court order; and the clerk of courts in such case should, in my opinion, accept for filing such bill of sale in duplicate without requiring of such purchaser or transferee former bills of sale or statements of ownership with respect to such automobile.

Respectfully,
EDWARD C. TURNER,
Attorney General.

1553.

COUNTY COMMISSIONERS—AUTHORITY TO PURCHASE MOTOR VEHICLE FOR USE BY DOG WARDEN—PURCHASE PRICE APPROPRIATED OUT OF GENERAL FUND OF COUNTY.

SYLLABUS:

By the terms of Section 2412-1, General Code, a board of county commissioners has authority to purchase a motor vehicle or vehicles, with the approval of a judge of the Court of Common Pleas, for their use or for the use of any department under their direct control. Such board has authority to place such vehicle at the disposal of a county dog warden or deputies upon such regulations as such board may prescribe in order that the dog warden or deputies, if any, may carry out the duties imposed by law. The purchase price of such a vehicle must be appropriated out of the general fund of the county in accordance with law.

COLUMBUS, OHIO, January 9, 1928.

Bureau of Inspection and Supervision of Public Offices, Columbus, Ohio.

GENTLEMEN:—This will acknowledge receipt of your letter dated January 5, 1928, which reads:

“Question: May the board of county commissioners of a county legally purchase an automobile for the dog warden and pay for the same out of the dog and kennel fund or any other public funds?”

Your inquiry may be paraphrased as follows:

1. Do any of the sections of the General Code enacted in House Bill No. 164 (112 v. 347) confer authority upon a board of county commissioners to purchase an automobile for the use of a county dog warden?
2. If not, does any other section of the General Code, confer such authority?

In answer to the first question your attention is directed to the following sections of the General Code, which, in so far as pertinent, provide:

Sec. 5652-7. “County commissioners shall appoint or employ a county dog warden and deputies to such number, for such periods of time, and

at such compensation, as such county commissioners shall deem necessary * * * . They (county dog warden and deputies) shall patrol their respective counties, seize and impound on sight all dogs more than three months of age, found not wearing a valid registration tag, except dogs kept constantly confined in a registered dog kennel. * * * ”

Sec. 5652-8. “County commissioners shall provide nets *and other suitable devices* for the taking of dogs in a humane manner, and except as hereinafter provided, also provide a suitable place for impounded dogs, and make proper provision for feeding and caring for the same. * * * ” (Italics the writer’s.)

Sec. 5652-13. “The registration fees provided for in this act shall constitute a special fund known as the dog and kennel fund which shall be deposited by the county auditor in the county treasury daily as collected and be used for the purpose of defraying the cost of furnishing all blanks, records, tags, nets *and other equipment*, also paying the compensation of county dog wardens, deputies, pound keeper and other employees necessary to carry out and enforce the provisions of the laws relating to the registration of dogs, and for the payment of animal claims as provided in Sections 5840 to 5849, both inclusive, of the General Code, and in accordance with the provisions of Section 5653 of the General Code. * * * ” (Italics the writer’s.)

You will note that the foregoing and other sections of the General Code enumerate and impose specific duties on dog wardens and deputies and boards of county commissioners. It is at once apparent that Section 5652-7, *supra*, does not authorize boards of county commissioners to expend public funds to purchase an automobile for the use of county dog wardens and deputies. The question that presents itself is whether or not the words “and other suitable devices” used in Section 5652-8, *supra*, and the words “and other equipment” used in Section 5652-13, *supra*, authorize an expenditure for such purpose.

In accordance with the maxim, *noscitur a sociis*, the meaning of a word used in a statute must be construed in connection with the words with which it is associated. Where several words are connected by a copulative conjunction, they are presumed to be of the same class, unless a contrary intention appears. See 36 Cyc. 1118.

As stated in 36 Cyc. at page 1119:

“By the rule of construction known as ‘*ejusdem generis*’, where general words follow the enumeration of particular classes of persons or things, the general words will be construed as applicable only to persons or things of the same general nature or class as those enumerated. The particular words are presumed to describe certain species and the general words to be used for the purpose of including other species of the same genus. The rule is based on the obvious reason that if the legislature had intended the general words to be used in their unrestricted sense they would have made no mention of the particular classes. The words ‘other’ or ‘any other’ following an enumeration of particular classes are therefore to be used as ‘other such like’ and to include only others of like kind or character.”

In view of the foregoing the words “and other suitable devices” used in Section 5652-8, *supra*, can be construed as applicable only to things of the same general

nature as "nets". Likewise the words "and other equipment" used in Section 5652-13, supra, can be construed as applicable only to things of the same general nature or class as "nets". No other sections of House Bill No. 164 (112 v. 347) other than those considered above, amplify or extend the powers of boards of county commissioners in this regard and I am therefore of the opinion that none of the sections of the General Code enacted in House Bill No. 164 confer authority upon boards of county commissioners to purchase an automobile for dog wardens or deputies.

The second question presented is whether or not any other section of the General Code confers such authority. Your attention is directed to Section 2412-1, General Code, which provides:

"That, whenever the board of county commissioners, deems it necessary to purchase a motor vehicle or vehicles for the use of the sheriff or sanitary engineer, their deputies or necessary employes they shall adopt a resolution setting forth the necessity for such purchase, together with a statement of the kind and number of vehicles required and the estimated cost of each such vehicle.

Upon the adoption of said resolution the board of county commissioners may purchase said vehicles for the use and purposes of the aforesaid persons or any of them. If the board of county commissioners deem it necessary to purchase a motor vehicle or vehicles for their use or for the use of any department under their direct control, application shall be made by them to a judge of the Court of Common Pleas of said county, who, if upon the hearing thereof finds it necessary and expedient to purchase such vehicle or vehicles, shall so order, fixing the number and kind of such vehicles, and the amount to be expended for each."

Section 2412-2, General Code, provides in part as follows:

"When purchased, such vehicle or vehicles shall be for the use of the county commissioners, or other county officers, such use to be subject to the regulation of the county commissioners. Such vehicles shall be used by each such officials or said deputies and employes in lieu of hiring vehicles in the manner otherwise provided by law unless the county vehicles are not available for such use. * * * Any vehicles heretofore acquired and now owned by the county shall be used as herein provided. * * * "

These sections were construed in a former opinion of this department, which appears in Opinions, Attorney General for 1925, at page 598, the syllabus of which reads:

"1. By Amended Senate Bill No. 44, (111 v. 365) county commissioners may purchase motor vehicles, without the approval of the Common Pleas Court, for the sheriff and sanitary engineer or their employes, to be used subject to the regulation of such officials.

2. Under this act county commissioners may purchase motor vehicles, with the approval of the Common Pleas Court, for their own use or for the use of any department under their direct control. When purchased, such vehicle shall be for the use of the county commissioners or other county officials, such use to be subject to the regulation of the county commissioners."

By the provisions of the first paragraph of Section 2412-1, supra, boards of county commissioners, whenever they deem it necessary, may purchase motor vehicles for the use of the sheriff or sanitary engineer, their deputies or necessary employes. In the second paragraph it is provided that when boards of county commissioners deem it necessary, they may purchase motor vehicles "for their use or for the use of any department under their direct control" upon application to and approval by a judge of the Court of Common Pleas.

In answering the question that you present it is unnecessary to determine whether or not a county dog warden is a "department" as that word is used in Section 2412-1, supra.

Suffice it to say, as provided by Section 5652-7, supra, county commissioners are directed to "appoint or employ a county dog warden and deputies to such number, for such periods of time, and at such compensation, as such county commissioners deem necessary." Such dog wardens and deputies are required to "patrol their respective counties; seize and impound on sight all dogs more than three months of age, found not wearing a valid registration tag," to "investigate all claims for damages to live stock inflicted by dogs," and to "make *weekly reports, in writing, to the county commissioners* of their respective counties of all dogs seized, impounded, redeemed and destroyed, also, all claims for damage to live stock inflicted by dogs." They are therefore employes of and under the supervision of the county commissioners.

By the terms of Section 2412-1, supra, ample authority is vested in boards of county commissioners to purchase motor vehicles "for their use" upon application to and approval by a judge of the Court of Common Pleas. A vehicle so purchased, by the terms of Section 2412-2, supra, "shall be for the use of the county commissioners, or other county officers, such use to be subject to the regulation of the county commissioners" and used "by each such officials or said deputies and employes in lieu of hiring vehicles."

In view of the foregoing and answering your question specifically it is my opinion that, by the terms of Section 2412-1, General Code, a board of county commissioners has authority to purchase a motor vehicle or vehicles, with the approval of a judge of the Court of Common Pleas, for their use or for the use of any department under their direct control. Such board has authority to place such a vehicle at the disposal of a county dog warden or deputies upon such regulations as such board may prescribe in order that the dog warden or deputies, if any, may carry out the duties imposed by law. The purchase price of such a vehicle must be appropriated out of the general fund of the county in accordance with law.

Respectfully,
EDWARD C. TURNER,
Attorney General.

1554.

SUPERINTENDENT OF PUBLIC WORKS—LEGAL DESIGNATION FOR ADMINISTRATIVE PURPOSES.

SYLLABUS:

The legal title or name of the office held by the person administering the department of public works is "superintendent of public works" and this designation should be used in the execution of all documents requiring the signature of such