

My examination of said abstract of title and warranty deed was necessarily delayed for a considerable period of time by reason of the fact that the encumbrance estimate was not approved by the consulting engineer in the division of accounts until recently. By reason of this fact considerable time has elapsed since the certification of said abstract by the abstracter. In this situation it is suggested that before the warrant for the purchase price of this property is turned over to Mr. Watts you have one of the representatives of your department make an examination of the records of Adams County, Ohio, to ascertain whether or not any judgments, mortgages or other liens against this property have been created since the date of the certification of said abstract, which was, as above noted, March 25, 1930.

I am herewith returning said abstract of title, warranty deed and encumbrance estimate.

Respectfully,
 GILBERT BETTMAN,
Attorney General.

2249.

INDIGENT SICK—WHEN NON-RESIDENT OF STATE IS QUARANTINED
 —COUNTY MAY ASSUME PAYMENT FOR NECESSARY GROCERIES.

SYLLABUS:

Where a non-resident is quarantined in the State of Ohio and is unable to pay the expenses of such service, such expenses should properly be paid by the county as relief furnished to non-residents under the provisions of Section 3476, General Code.

COLUMBUS, OHIO, August 21, 1930.

HON. C. G. L. YEARICK, *Prosecuting Attorney, Newark, Ohio.*

DEAR SIR:—Acknowledgment is made of your communication of recent date which reads:

“The Board of Health of Newark, Ohio, has certified to the county commissioners of Licking County its expenses incurred by reason of the quarantine of a non-resident of the State of Ohio who became sick with smallpox while in the city of Newark, the amount involved being expended for necessary groceries.

The board of county commissioners is of the opinion that this sum should properly be charged against the city of Newark and that it cannot legally accept and pay for the same out of county funds. The laws for the relief of the poor and the statutes under the subject of quarantine have seemed to us not particularly clear as regards the political subdivision to be charged for such relief of a non-resident of state. The benefit of your opinion is, accordingly, requested as to whether the board of county commissioners may properly accept the foregoing charge.”

Section 4438 of the General Code, as amended in 113 O. L. 270 (88th General Assembly), provides for the payment of expenses by a city or general health district when a person is quarantined, who has a legal settlement in another county of the state and is unable to pay his expenses. That is to say, under such circumstances the county of the legal settlement is required to pay the expenses upon notice as required by said section.

Section 4438, General Code, provides for the payment of such expenses when the person quarantined has a legal settlement in a municipality or township within the same county, but other than that in which the quarantine is made, when the person is unable to pay. However, said sections do not provide for the payment of such expenses when the person who is quarantined is a non-resident of the state. Neither do I find any other section under the so-called health laws or the laws which specifically refer to quarantine which expressly provide for the payment of expenses of one who is not a resident of the state. It is clear, however, that any person who is quarantined is required to pay his own expenses if able to do so.

It is believed that it is necessary in connection with this inquiry to take into consideration the provisions of the so-called poor laws. While, of course, the quarantine is made under the provisions of other statutes, nevertheless, the same must be regarded as a relief afforded in the interests of the public.

Section 3476, General Code, among other things provides :

“ * * * 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 can not be satisfactorily cared for except at the county infirmary or under county control. * * * ”

It is believed that relief granted in the nature of quarantine would probably come under the provisions of the poor laws in those instances in which the laws relating to health are not specific with reference to the matter.

In view of the foregoing, it is my opinion that where a non-resident is quarantined in the State of Ohio and is unable to pay the expenses of such service, such expenses should properly be paid by the county as relief furnished to non-residents under the provisions of Section 3476, General Code.

Respectfully,
GILBERT BETTMAN,
Attorney General.

2250.

APPROVAL, ABSTRACT OF TITLE TO LAND OF BEATRICE BIETZEL IN
FRANKLIN TOWNSHIP, ROSS COUNTY, OHIO.

COLUMBUS, OHIO, August 21, 1930.

HON. CARL E. STEEB, *Secretary, Ohio Agricultural Experiment Station, Columbus, Ohio.*

DEAR SIR:—This is to acknowledge receipt of your recent communication submitting for my examination and approval an abstract of title, warranty deed, encumbrance estimate No. 781, controlling board release and other files, relating to the proposed purchase by the State of Ohio of a certain tract of land in Franklin Township, Ross County, Ohio, which is owned of record by one Beatrice Bietzel and which is more particularly described as follows :

“Being in Survey No. 9477-16065, being E. of the township road and N. of Davis Hollow.

Beginning in the center of the township road by an old log barn, 2 W. oaks from one root, one 4" dia., the other 2" dia. on E. bank of run bears 5