

This section was repealed April 26, 1927, by House Bill No. 266, 112 O. L. 157, at which time Section 3477 was enacted and which reads as follows:

"Each person shall be considered to have obtained a legal settlement in any county in this state in which he or she has continuously resided and supported himself or herself for twelve consecutive months, without relief under the provisions of law for the relief of the poor, or relief from any charitable organization or other benevolent association which investigates and keeps a record of facts relating to persons who receive or apply for relief."

Under the provisions of Section 3477, it would be necessary for Mrs. Z and her eight children to reside continuously and be supported for twelve consecutive months in Allen Township, Ottawa County, without relief under the provisions of law for the relief of the poor, or relief from any charitable organization or other benevolent association which investigates and keeps a record of facts relating to persons who receive or apply for relief, before they could establish their legal settlement in Allen Township, Ottawa County, Ohio.

Specifically answering your question, it is my opinion that the eight children of Mrs. Z have a legal settlement in Oregon Township, Lucas County, Ohio, and this township is responsible for the poor relief of said children, the children or their mother not having lived in Allen Township, Ottawa County, Ohio; for sufficient time to gain their legal residence in that township and county.

Respectfully,

JOHN W. BRICKER,
Attorney General.

754.

POOR RELIEF—INDIGENT—TOWNSHIP TRUSTEES OR MUNICIPAL AUTHORITIES UNAUTHORIZED TO CARE FOR NON-RESIDENT AND COLLECT EXPENSES THEREOF FROM TAXING DISTRICT IN WHICH INDIGENT HAS LEGAL SETTLEMENT.

SYLLABUS:

Township trustees or municipal authorities have no legal right to provide for the care and maintenance of non-resident indigents while in their taxing district and collect the expense thereof from the taxing district in which the indigent has a legal settlement, except as provided for by Section 3480-1, General Code.

COLUMBUS, OHIO, May 2, 1933.

HON. CALVIN CRAWFORD, *Prosecuting Attorney, Dayton, Ohio.*

DEAR SIR:—This will acknowledge receipt of your communication of recent date requesting an opinion upon the following statement of facts:

"A certain indigent is legally settled in the city of Dayton, but

is actually residing in Preble County, Ohio. The city of Dayton is willing to have the indigent returned to the city and assume responsibility for relief. On the other hand, it would be more economical to permit the indigent to continue residing in Preble County, permitting the local authorities in Preble County to actually provide relief. Will it be lawful for such an arrangement to be worked out, with the understanding that from time to time, probably once monthly, the authorities in Preble County will send a bill to the city of Dayton, covering the relief provided?

The doubt arises by reason of the fact that there is no express provision in the statutes to cover such a situation, but there is an express provision in the statutes that the Preble County authorities can return the indigent to the city of Dayton."

For the purpose of this opinion, it will be presumed that the Preble County authorities you speak of are township trustees, and they being limited to the exercise of such powers only as are granted them by law, it will be necessary to consider the sections of the General Code applicable to the care of the indigent. The manner of obtaining relief for indigent persons is provided for by Section 3480, General Code, and reads in part 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. * * *

The manner of investigation of the indigent is prescribed for by Section 3481, General Code as follows:

"When complaint is made to the township trustees or to the proper officers of the municipal corporation that a person therein requires public relief or support, one or more of such officers, or some other duly authorized person, shall visit the person needing relief, forthwith, to ascertain his name, age, sex, color, nativity, length of residence in the county, previous habits and present condition and in what township and county in this state he is legally settled. The information so ascertained shall be transmitted to the township clerk, or proper officer of the municipal corporation, and recorded on the proper records. No relief or support shall be given to a person without such visitation or investigation, except that within counties, where there is maintained a public charity organization, or other benevolent association, which investigates and keeps a record of facts relating to persons who receive or apply for relief, the infirmary superintendents, township trustees or officers of a city shall accept such investigation and information and may grant relief upon the approval and recommendation of such organization. Every reasonable effort shall be made by the township trustees and municipal officers to secure aid from relatives and interested organizations before granting relief from public funds."

The investigation disclosing the indigent to be a non-resident of the

township, the disposal of the case is provided for by Section 3482 of the General Code, which reads:

"When it has been so ascertained that a person requiring relief has a legal settlement in some other county of the state, such trustees or officers shall immediately notify the infirmity superintendent of the county in which the person is found, who, if his health permits, shall immediately remove the person to the infirmity of the county of his legal settlement. If such person refuses to be removed, on the complaint being made by the infirmity superintendent, the probate judge of the county in which the person is found shall issue a warrant for such removal, and the county wherein the legal settlement of the person is, shall pay all expenses of such removal and the necessary charges for relief and in case of death the expense of burial if a written notice is given the county commissioners thereof within twenty days after such legal settlement has been ascertained."

Section 3480-1 provides for the care of non-resident sick indigent persons in the township in which they are located and for the recovery of the cost of the same from the township or municipal authorities of their legal residence. This last mentioned section is the only one providing for the recovery of the expense of caring for indigents by township or municipal authorities in whose district the indigent is temporarily cared for. An examination of the General Code discloses that there is no duty placed upon a township or municipality to care for non-resident indigents other than provided for in Section 3480-1. It appears to have been the intention of the legislature in the enactment of provisions for the care of the poor that township or municipal officials should care for their indigent residents wherever they may be located and no authority is granted township or municipal authorities to care for non-resident indigents and collect for the same from the authorities of the township or municipality in which they have a legal residence. Township authorities and municipal authorities being limited to the exercise of such powers as are granted them by law, the performing of any act not authorized by law therefore becomes illegal.

Specifically answering your inquiry, it is my opinion that the indigent resident of Dayton, now residing in Preble County, cannot be legally provided for by the authorities in Preble County and be reimbursed for the expense thereof by the city of Dayton.

Respectfully,

JOHN W. BRICKER,
Attorney General.

755.

APPROVAL, LEASE TO RESERVOIR LAND AT PORTAGE LAKES,
SUMMIT COUNTY, OHIO—WILLIAM A. BLANK.

COLUMBUS, OHIO, May 2, 1933.

HON. EARL H. HANEFELD, *Director of Agriculture, Columbus, Ohio.*

DEAR SIR:—This is to acknowledge the receipt of a recent communication