

which occurred in the office of county treasurer of Pickaway County on May 10, 1930, should have been filled forthwith by the county commissioners by the appointment of a suitable person to fill said vacancy. The person so appointed holds, not for the unexpired term of the treasurer who died, but until a successor is elected and qualified, which successor under the statute should be elected for the unexpired term of the person who died, at the general election to be held on the first Tuesday after the first Monday in November, 1930. *State of Ohio ex rel Trauger vs. Nash, Governor*, 66 O. S., 612; *State of Ohio ex rel. J. J. Ansberry vs. Slough*, 12 O. C. C., 105; *State of Ohio ex rel. Ingraham vs. Lehman*, 10 O. C. C., 328; *State ex rel. Burke vs. Comer et al.*, 7 O. C. C., 258.

Respectfully,  
GILBERT BETTMAN,  
*Attorney General.*

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1888.

APPROVAL, CONTRACTS ON ROAD IMPROVEMENTS IN ASHTABULA,  
CUYAHOGA AND WILLIAMS COUNTIES.

COLUMBUS, OHIO, May 20, 1930.

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

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1889.

COUNTY COMMISSIONERS—AUTHORIZED TO REIMBURSE PERSON  
BITTEN BY DOG AFFLICTED WITH RABIES FOR EXPENSES OF  
VETERINARIAN AND LABORATORY DIAGNOSIS OF SUCH DOG'S  
HEAD.

SYLLABUS:

*Under the provisions of Section 5851 of the General Code, the county commissioners are authorized to reimburse a person who has been bitten or injured by a dog, cat or other animal afflicted with rabies, the expense of having the animal examined by a veterinarian and sending its head to a laboratory for diagnosis.*

COLUMBUS, OHIO, May 21, 1930.

HON. JAMES M. AUNGST, *Prosecuting Attorney, Canton, Ohio.*

DEAR SIR:—I am in receipt of your letter of recent date which is as follows:

“The county commissioners of this county have been asked to pay the expense account of a person bitten by a dog that had the rabies, and as part of that expense account there is an item of \$7.00 due to the veterinary for examination of the dog, and the sending of the head to the laboratory at Columbus.

The question arises as to whether or not under Section 5851, G. C., the services of a veterinary in making the examination of the dog and in taking care of, and sending the head to Columbus, together with the incidental

expenses thereto is a proper item of expense and can be paid by the county commissioners under that part of the section which reads 'or required the expenditure of money'."

Section 5851 of the General Code provides as follows:

"A person bitten or injured by a dog, cat or other animal afflicted with rabies, if such injury has caused him to employ medical or surgical treatment or required the expenditure of money, within four months after such injury and at a regular meeting of the county commissioners of the county where such injury was received, may present an itemized account of the expenses incurred and amount paid by him for medical and surgical attendance, verified by his own affidavit and that of his attending physician; or the administrator or executor of a deceased person may present such claim and make such affidavit. If the person so bitten or injured is a minor such affidavit may be made by his parent or guardian."

Section 5852 of the General Code provides as follows:

"The county commissioners not later than the third regular meeting, after it is so presented, shall examine such account, and, if found in whole or part correct and just, shall order the payment thereof in whole or in part to the patient and to the physician who rendered such treatment, in accordance with their respective claims, but a person shall not receive for one injury a sum exceeding two hundred dollars."

Prior to the recodification of these sections by the Codifying Commission in 1910, the language of Section 5851 of the General Code, pertinent to your inquiry, read: "caused said person to employ medical or surgical treatment, and required of said person *the expenditure of money in the care and treatment resulting from said bite or injury* may present a detailed and itemized account of the actual expenses incurred and amount paid for medical and surgical attendance." The Codifying Commission changed this phraseology to read as follows: "if such injury has caused him to employ medical or surgical treatment or *required the expenditure of money.*" Section 5851 of the General Code was amended April 1, 1927 (112 O. L. 347); however, the language of the statute quoted above, as used by the Codifying Commission, was not changed. You will observe that under the statute as it read before the Codifying Commission changed its phraseology a person could only be reimbursed for the expenditure of money required in the care and treatment resulting from a bite or injury. The language of the statute in its present form is much broader than the early statute and now allows the reimbursement of expense if the injury required such expenditure, that is, any expense made necessary by the injury. The language is clear in this respect and therefore requires no construction. It is true that when a statute has undergone revision by the Codifying Commission there is a presumption that the construction thereof should be the same as prior thereto, yet where the language of the revised section is plain and unambiguous, it is the duty of the courts to give it the effect required by the plain and ordinary signification of the words used whatever may have been the language of the prior statute.

I am of the view that an expenditure is required by a person who has been bitten or injured by a dog, cat or other animal afflicted with rabies, for an examination of an animal by a veterinarian and the sending of its head to a laboratory for diagnosis. Whether or not the item of such expense is just and correct is within the discretion of the county commissioners to determine.

In specific answer to your inquiry, I am of the opinion that, under the provisions

of Section 5851 of the General Code, the county commissioners are authorized to reimburse a person who has been bitten or injured by a dog, cat or other animal afflicted with rabies, the expense of having the animal examined by a veterinarian and sending its head to a laboratory for diagnosis.

Respectfully,

GILBERT BETTMAN,  
*Attorney General.*

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1890.

APPROVAL, CONTRACT BETWEEN STATE OF OHIO AND BROOKE ELECTRIC COMPANY, COLUMBUS, OHIO, FOR ELECTRICAL WORK FOR ADDITIONS TO MEMORIAL BUILDING, MARIETTA, OHIO, AT AN EXPENDITURE OF \$650.00—SURETY BOND EXECUTED BY INDEMNITY INSURANCE COMPANY OF NORTH AMERICA.

COLUMBUS, OHIO, May 21, 1930.

HON. ALBERT T. CONNAR, *Superintendent of Public Works, Columbus, Ohio.*

DEAR SIR:—You have submitted for my approval a contract between the State of Ohio, acting by the Department of Public Works, for and on behalf of Willia D. Cotton, B. B. Putnam and A. H. Strecker, members of the Memorial Commission created in House Bill No. 506, 86th General Assembly, and Joseph D. Brooke and Merle C. Brooks, copartners doing business as Brooke Electric Company of Columbus, Ohio. This contract covers the construction and completion of contract for electrical work—additions to Memorial Building, Marietta, Ohio, as set forth in Item 8 of the proposal dated January 30, 1930. Said contract calls for an expenditure of six hundred and fifty dollars (\$650.00).

You have submitted the certificate of the Director of Finance to the effect that there are unencumbered balances legally appropriated in a sum sufficient to cover the obligations of the contract. You have also submitted evidence that the Controlling Board has properly consented to and approved the expenditure of the moneys appropriated by the 88th General Assembly for the purpose covered by this contract, in accordance with Section 2 of House Bill No. 513 and Section 11 of House Bill No. 510 of the 88th General Assembly. In addition, you have submitted a contract bond upon which the Indemnity Insurance Company of North America appears as surety, sufficient to cover the amount of the contract.

You have further submitted evidence indicating that plans were properly prepared and approved, notice to bidders was properly given, bids tabulated as required by law and the contract duly awarded. Also it appears that the laws relating to the status of surety companies and the Workman's Compensation Act have been complied with.

Finding said contract and bond in proper legal form, I have this day noted my approval thereon and return the same to you herewith, together with all other data submitted in this connection.

Respectfully,

GILBERT BETTMAN,  
*Attorney General.*