

No. 7 with a highway in West Virginia, in which agreement, in consideration of the determination by the Director to change the existing lines of the highway and fix the grade thereof so that suitable approaches to the proposed bridge can be built and of the State's proceeding without delay to construct said road improvement, the county commissioners agree to pay a portion of the cost of the improvement and provide the necessary right of way, the Bridge Company and the Village agreeing to contribute to the county a portion of the cost of the improvement and the necessary right of way to be borne by the county, the Bridge Company further agreeing to give a bond conditioned upon its building the bridge within a specified time or upon its failure so to do to pay the State of Ohio a certain sum of money, sufficient in amount to cover the cost of rebuilding the road along a route and at a grade which would be suitable and proper if the bridge be not built, plus a sufficient sum to cover the extra cost entailed in locating the highway and building the same at the higher grade necessary to accommodate the approaches to the bridge would, after performance by the State, be enforceable against such Bridge Company, notwithstanding the fact that such contract would not be enforceable against the State while an executory contract. A bond given in accordance with the terms of such a contract would, after performance by the State, be a valid obligation enforceable against the Bridge Company.

Respectfully,

EDWARD C. TURNER,  
*Attorney General.*

1225.

DOG—TRANSFER OF OWNERSHIP CERTIFICATE SHOULD BE FILED WITH AUDITOR OF COUNTY WHERE DOG IS REGISTERED.

**SYLLABUS:**

*A transfer of ownership certificate as provided for in House Bill No. 164, passed by the 87th General Assembly, (112 O. L. 347) should be recorded with the auditor of the county in which such dog is duly registered, even though the buyer thereof may reside in a different county.*

COLUMBUS, OHIO, October 31, 1927.

HON. W. S. PAXSON, *Prosecuting Attorney, Washington C. H., Ohio.*

DEAR SIR:—This will acknowledge receipt of your letter dated October 17, 1927, which reads as follows:

“Our county auditor desires a ruling construing Section 5652-7c of the new dog warden law appearing at page 349 of 112 Ohio Laws, on this proposition, viz.:

‘A’ registered a dog in Brown County. He recently sold the dog to a resident of Fayette County and gave the buyer a transfer of ownership certificate. In which county should the transfer of ownership certificate be recorded—in Brown County or Fayette County?’”

Your attention is directed to Section 5652-7c, General Code, which relates to transfer of ownership of dogs and reads as follows:

“Upon the transfer of ownership of a dog the person selling such dog shall give the buyer a transfer of ownership certificate which shall be signed by the seller, such certificates shall contain the licensed number of such

dog, the name of the person selling the dog and a brief description of the dog sold. Blank forms of such certificate may be obtained from the county auditor, a transfer of ownership shall be recorded by the county auditor upon presenting a transfer of ownership certificate signed by the former owner and accompanied by a fee of twenty-five cents. Whoever fails to comply with the provisions of this section upon conviction shall be fined not less than five dollars, nor more than twenty-five dollars."

and to the following sections of the General Code, which, so far as pertinent to your inquiry, provide:

Sec. 5652-3. "Upon the filing of such application for registration and the payment of such registration fee, the county auditor shall assign a distinctive number to every dog or dog kennel described in such application, and deliver a certificate of registration bearing such number to the owner thereof. A permanent record of all certificates of registration issued, together with the applications therefor, shall be kept by such county auditor in a dog and kennel register, which shall be open to the inspection of any person during reasonable business hours."

Sec. 5652-4. "In addition to the certificate of registration provided for by Section 5652-3, the county auditor shall issue to every person making application for the registration of a dog and paying the required fee therefor, a metal tag for each dog so registered. \* \* \*"

Sec. 5652-6. "Every registered dog, except dogs constantly confined to registered kennels, shall at all times wear a valid tag issued in connection with the certificate evidencing such registration. \* \* \*"

The fundamental rule in construing statutes is to ascertain and give effect to the intention of the legislature. This intention, however, must be the intention as expressed in the statute. Each statute must be construed with reference to the object intended to be accomplished by it and should be given that construction which is best calculated to advance such object.

Section 5652-7c, supra, contains no express provisions as to in which county a transfer of ownership certificate should be filed, when the transferor and transferee reside in different counties, although by the terms of Section 5652, General Code, the application for registration is required to be filed in the office of the county auditor of the county in which such dog is kept or harbored.

As provided by Section 5652-3, supra, the county auditor assigns a distinctive number to each dog so registered, and delivers a certificate of registration bearing such number to the owner thereof, and records all certificates of registration so issued in a dog and kennel register, which register shall be open to the inspection of any person during reasonable business hours.

In addition to such certificate of registration, as provided by Section 5652-4 supra, the county auditor issues a metal tag for each dog so registered. This tag bears the year in which issued, the number assigned and the name of the county wherein issued. Section 5652-6, supra, makes it mandatory that every registered dog at all times shall wear the tag furnished.

The tag so issued and worn by the dog serves not only as evidence of compliance with the laws pertaining to registration of dogs but also as a means by which the owner, keeper or harbinger of such dog, or as to where such dog is kept or harbored may be readily ascertained by reference to the county in which the dog is duly registered. In the event the owner of a registered dog sells such dog, by the terms of Section 5652-7c, supra, he is required to give the buyer a transfer of ownership certificate as therein provided, which certificate "shall be recorded by the county auditor."

To provide ready means for identifying a dog and ascertaining who its owner is, it seems clear that a transfer of ownership certificate should be filed with the auditor of the county, wherein such dog is registered, whether the buyer thereof is a resident of such county or not. The tag worn by a dog duly registered is valid for the entire year for which issued and upon such a dog being sold during such year the sale does not terminate the registration and the license tag may still be worn by the dog for the balance of the year. By reference to the records kept by the auditor of the county where the tag was issued, one can readily ascertain who is the owner, keeper or harbinger of a dog. If a transfer of ownership certificate be filed in the county in which the dog is licensed, a complete record is at all times available from which the name of the dog's owner may be ascertained. To hold otherwise would lead to an unreasonable result. The records of the county where the dog was duly registered would show no change of ownership. The seller might not know in which county the purchaser resided and to ascertain where the owner, keeper or harbinger of such dog resided might necessitate a search in each of the eighty-eight counties of the state.

Your attention is directed to a recent opinion of this department, being Opinion No. 967, dated September 8, 1927, Opinions, Attorney General, 1927, the first and third paragraphs of the syllabus of which read as follows:

"1. The tag worn by a dog duly registered in accordance with the provisions of Section 5652, General Code, as amended in House Bill No. 164, passed by the 87th General Assembly, is valid for the entire year for which it is issued; and, if such dog be sold during such year, upon the giving and recording of a transfer of ownership certificate as prescribed in Section 5652-7c, General Code, and the payment of the fee therefor, the sale does not terminate the registration and the license tag may still be worn by said dog for the balance of the year.

3. Section 5652-7c of the General Code, as enacted in House Bill No. 164, passed by the 87th General Assembly applies only to the transfer of ownership of a dog duly registered or required to be registered and has no application in case of the transfer of ownership of a dog bought from outside the state, or of a dog not over three months of age, or of a dog bred or kept for sale in a duly registered kennel."

In view of the foregoing, and answering your question specifically, it is my opinion that all transfer of ownership certificates should be filed in the county in which the dog in question is duly registered, even though the buyer thereof may reside in a different county. In the specific case that you present, the transfer of ownership certificate should be filed in Brown County.

Respectfully,  
EDWARD C. TURNER,  
*Attorney General.*

1226.

APPROVAL, BONDS OF STEUBENVILLE TOWNSHIP RURAL SCHOOL DISTRICT, JEFFERSON COUNTY, OHIO—\$9,000.00.

COLUMBUS, OHIO, November 1, 1927.