

pensation for his position as sewer inspector in addition to his compensation as member of the board of trustees of public affairs.

Respectfully,

GILBERT BETTMAN,
Attorney General.

4590.

INDIGENT EPILEPTIC—NOT ELIGIBLE FOR TREATMENT AT COUNTY INFIRMARY—DUTY OF COUNTY OF RESIDENCE TO FURNISH RELIEF.

SYLLABUS:

Where an indigent epileptic, not an inmate of the State Hospital for Epileptics, who by virtue of section 2451, General Code, can not be received at the county infirmary, requires permanent and total relief, it is the duty of the county of his or her residence to furnish outside relief to such person.

COLUMBUS, OHIO, September 3, 1932.

HON. CHARLES O. CHAPMAN, *Prosecuting Attorney, McArthur, Ohio.*

DEAR SIR:—I acknowledge receipt of your communication which reads as follows:

“A short time ago a female resident of Jackson Township in Vinton County was brought before the Probate Court of this County upon complaint of epilepsy. A proper inquest was held and she was adjudged to be an epileptic and was committed to the Ohio Hospital for Epileptics at Gallipolis, Ohio. The Superintendent of the said Ohio Hospital for epileptics refused to accept the commitment for the reason that the said institution is now full and Vinton County has more than its quota of patients in the said institution now.

This woman is indigent and is not able to support herself and has no relatives who may be held liable for her support. She has a husband who is now confined as a patient in the Athens State Hospital for the insane and who has no property or income which is subject to be used for her support.

Section 2541 of the General Code of Ohio provides that no insane or epileptic person shall be received or kept at any county infirmary in this state.

The township trustees are now furnishing relief for this woman, but, if she can not be admitted to an institution soon, her case becomes one for permanent and total relief, which the township trustees are not authorized to provide.

Kindly advise us what can be done in this case.”

Your question relates to the manner in which relief may be afforded to an indigent epileptic, not an inmate of the Hospital for Epileptics, who requires permanent and total relief, and who, by virtue of the provisions of section 2541, General Code, cannot be kept at a county infirmary. Section 5625-5, General Code,

expressly authorizes counties to levy a tax for the relief and support of the poor, and section 3476, General Code, relates to the manner in which poor relief may be granted by the counties. The latter section reads as follows:

"Subject to the conditions, provisions and limitations herein, the trustees of each township or the proper officers of each city therein, respectively, shall afford at the expense of such township or municipal corporation public support or relief to all persons therein who are in condition requiring it. It is the intent of this act (G. C. §§3476 et seq.) that townships and cities shall furnish relief in their homes to all persons needing temporary or partial relief who are residents of the state, county and township or city as described in sections 3477 and 3479. 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. When a city is located within one or more townships, such temporary relief shall be given only by the proper municipal officers, and in such cases the jurisdiction of the township trustees shall be limited to persons who reside outside of such a city."

It is to be noted that this section provides that counties shall grant relief to those "whose peculiar condition is such they can not be satisfactorily cared for except at the county infirmary or under county control." Under this section the township certainly has no duty to furnish permanent and total relief, and in using the words "at the county infirmary *or under county control*," the legislature evidently had in mind cases which could not be cared for in the infirmary.

In an opinion found in Opinions of the Attorney General for 1919, Vol. II, page 1236, the syllabus reads as follows:

"By the provisions of House Bill No. 150, 108 O. L., 266, the obligation to provide temporary or 'outdoor' relief for the poor rests upon the township or municipality in cases of such poor persons as have legal settlement therein; while in case of such persons requiring more than temporary relief, it is provided that upon proper ascertainment of that fact the county shall assume the obligation providing permanent relief, which shall only be provided however at the county home, except in case of persons whose peculiar conditions require that they be cared for under county control, and yet, on account of their physical condition or otherwise, may not be proper subjects for admission into the home, and persons whose physical condition will not permit their removal to the county home, in which cases the county shall provide necessary relief outside of the county home.

In addition to the obligation to provide permanent relief, the county is to provide temporary or outside relief for those persons who have not the residential qualifications for township or municipal relief and whose condition requires less than the permanent relief to be provided only at the county home."

The same conclusion was reached in an opinion in Opinions of the Attorney General for 1920, Vol. II, page 1177, which holds that counties are required by

section 3476 to furnish relief "to such other persons whose peculiar condition is such they cannot be satisfactorily cared for except at the county infirmary or under county control. The presence of these last words 'or under county control' following immediately, as they do, the words 'at the county infirmary' clearly means that outside as well as inside relief for those in a 'peculiar condition,' is authorized."

I am of the opinion that where an indigent epileptic, not an inmate of the State Hospital for Epileptics, who by virtue of section 2541, General Code, can not be received at the county infirmary, requires permanent and total relief, it is the duty of the county of his or her residence to furnish outside relief to such person.

Respectfully,
GILBERT BETTMAN,
Attorney General.

4591.

APPROVAL, ABSTRACT OF TITLE TO LAND OF LOUISE C. ARNOLD,
TO LAND IN MILAN, ERIE COUNTY, OHIO.

COLUMBUS, OHIO, September 6, 1932.

HON. O. W. MERRELL, *Director of Highways, Columbus, Ohio.*

DEAR SIR:—This is to acknowledge receipt of your recent communication submitting certain additional information suggested in my Opinion No. 4567 relating to the title of one Louise C. Arnold to a certain tract of 4.138 acres of land, more or less, in the Village of Milan, Erie County, Ohio, which is to be purchased by the State for the use of your department.

From the additional information submitted to me, it appears that the taxes on this property for the last half of the year 1931 have recently been paid and that the payment of the undetermined taxes on this property for the year 1932 has been secured by the deposit of a sufficient amount of money in the office of the county treasurer of Erie County.

Covering the other matters referred to in Opinion No. 4567, it appears from the information submitted that the pipe line lease executed by Louise C. Arnold and her husband does not affect the property here in question.

It likewise appears that no referendum was taken on the action of the village council providing for the vacation of Huron Street in said village through the tract of land here in question.

The information submitted in your recent communication completely covers and satisfactorily disposes of the exceptions noted in my former opinion, and the title of Louise C. Arnold in and to this property, as well as the abstract of title relating thereto, is herewith approved; and it is recommended that the transaction for the purchase of this property be closed as soon as possible.

Respectfully,
GILBERT BETTMAN,
Attorney General.