

to the municipality or township rendering such service for the expenses of such service, including hospital service, at the established rate of the municipality or township therefor, and shall pay for the same within thirty days after date of the sworn statement of expenses. \* \* \*"

In view of the foregoing and in specific answer to your inquiry, it is my opinion that:

First, where an indigent woman is about to be confined, and is not in the county of her legal settlement, it is the duty of the authorities of the township or municipal corporation where she is found to furnish the services of a physician under section 3480 of the General Code.

Second, where such relief is given, the subdivision furnishing the same may be reimbursed from the county in which such person has a legal settlement in the manner set forth in section 3484-2 of the General Code.

Respectfully,

GILBERT BETTMAN,  
*Attorney General.*

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3727.

DEPUTY TOWNSHIP CLERK—UNAUTHORIZED TO ISSUE HUNTERS' LICENSES OUTSIDE OF TOWNSHIP OF APPOINTMENT.

*SYLLABUS:*

*A deputy township clerk appointed under the provisions of Section 1432, General Code, may not issue and sell hunters' licenses outside of the township in which he was appointed.*

COLUMBUS, OHIO, November 3, 1931.

HON. CARL J. CHRISTENSEN, *Prosecuting Attorney, Toledo, Ohio.*

DEAR SIR:—This will acknowledge receipt of a request for my opinion which reads:

"Section 1432 of the General Code of Ohio authorizes Township Clerks to deputize others to issue hunters' licenses.

"Can such deputy, appointed by township clerks, sell (issue) hunters' licenses in City of Toledo—in any part (any county) in the State?"  
Section 1432, General Code, to which you refer, reads in part as follows:

"Hunter's and trapper's license shall be issued by the clerk of the common pleas court, village and township clerks. Whenever the township clerk deems it advisable, he may designate one or more deputies in his township to distribute hunter's and trapper's licenses.

\* \* \*

\* \* \*"

It should be noted that the above section gives the township clerk authority to designate, if he deems it advisable, one or more deputies in this township to distribute hunters' and trappers' licenses, the inference being that such deputy or

deputies should act for the clerk in the township in which he was appointed, in the matter of issuing hunters' and trappers' licenses.

This inference is strengthened by a consideration of the fact that since the position and duties of a deputy township clerk appointed by authority of Section 1432, supra, are created by statute, he is necessarily limited in his powers to such as are prescribed by law and to those necessary to carry the prescribed powers into effect. There is nothing in said section which could be construed to authorize, either directly or impliedly, an extension of the powers of a deputy township clerk to a county or state wide jurisdiction.

In view of the foregoing, I am of the opinion that a deputy township clerk, appointed under the provisions of Section 1432, General Code, may not issue and sell hunters' licenses outside of the township in which he was appointed.

Respectfully,

GILBERT BETTMAN,  
*Attorney General.*

3728.

COUNTY EDUCATIONAL EQUALIZATION FUND—DEFINITION—ONLY  
TEACHERS WHO RECEIVE \$800 PER YEAR OR MORE MAY SHARE.

*SYLLABUS:*

1. *That portion of the 2.65 mills tax levy authorized by Section 7575, General Code, which is collected from territory of a county outside of city and exempted village school districts, constitutes a fund within the county board of education fund and is known as the "county educational equalization fund."*

2. *The county educational equalization fund in each county should be apportioned by the county board of education to the several school districts or parts of districts within the county which lie outside of city and exempted village districts, in such manner as is directed by Section 7600, General Code.*

3. *In apportioning that portion of the county educational equalization fund which is attributable to teachers and educational employes, as directed by Section 7600, General Code, no teacher or educational employe who does not receive a salary of \$800.00 per year or more, may be considered.*

COLUMBUS, OHIO, November 3, 1931.

HON. B. O. SKINNER, *Director of Education, Columbus, Ohio.*

DEAR SIR:—This will acknowledge receipt of your request for my opinion, which reads as follows:

"One provision of Section 7600, G. C., is that thirty-seven and one-half per centum of the salary of each teacher or educational employe receiving a salary of not less than \$800 shall be distributed from the 2.65 mills county equalization levy.

A teacher has been employed at a salary below \$800.00. Is it illegal to allow thirty-seven and one-half per centum of a salary less than \$800.00 from the 2.65 mills levy?"