

residence and date are sufficiently indicated by ditto marks under the residence or date written above after the name of another signer, and that the use of ditto marks is a compliance with such provisions of the charter.

Respectfully,

JOHN W. BRICKER,
Attorney General.

1492.

APPROVAL, CONTRACT FOR ROAD IMPROVEMENT IN PAULDING COUNTY, OHIO.

COLUMBUS, OHIO, September 2, 1933.

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

1493.

APPROVAL, CONTRACTS FOR ROAD IMPROVEMENT IN JEFFERSON COUNTY, OHIO.

COLUMBUS, OHIO, September 2, 1933.

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

1494.

HOSPITAL—TOWNSHIP TRUSTEES OR PROPER CITY OFFICIALS RESPONSIBLE FOR HOSPITAL BILL OF PATIENT WHEN.

SYLLABUS:

A hospital, as provided for by Section 3480-1, General Code, in order to render the township trustees or proper officials of a city responsible for the hospital bill of a patient, must be owned or managed by a city or township or must render the hospital service at the request of the proper city or township officials.

COLUMBUS, OHIO, September 2, 1933.

HON. C. G. L. YEARICK, *Prosecuting Attorney, Newark, Ohio.*

DEAR SIR:—This will acknowledge receipt of your letter of recent date requesting my opinion upon the following matters:

“The Newark Hospital Association, a corporation not for profit, maintains and operates the only general hospital in Licking County, Ohio. A woman, a resident of Washington Township, Licking County, was

taken to the Newark Hospital, where an operation was performed upon her. This family has never been applicants for, nor the recipients of, any relief from the township. The woman's husband owns and operates an automobile, but is at present unemployed. Upon receiving the patient, the hospital gave notice to the proper township trustees, and upon discharge, neither she nor her husband paying the bill, demand was made upon the trustees for payment.

The hospital bases its claim against the trustees upon the provisions of Section 3480-1, G. C. The pertinent provisions of this section are as follows:

'When a person requiring medical services or the services of a hospital * * * has a legal settlement in a municipality or township within the same county, but other than that in which the service is rendered and such person is unable to pay the expense of such service, the *municipality or township* rendering such service shall notify in writing the proper officials of the municipality or township of legal settlement of such person that such services are being rendered, * * *. Any such person who does not, upon discharge, pay for such service at the established rate therefor shall, for the purposes of this act, be deemed indigent in so far as the municipality, or township, rendering such service is concerned.'

Under the foregoing statement of facts, at least two questions seem to be presented:

1. Does the Newark City Hospital, which is not operated either by a municipality or a township, come within the provisions of Section 3480-1? Would the fact that, at the instigation of the hospital authorities, such notice was given by the Director of Public Safety of the City of Newark alter the situation?

2. If the hospital comes within the statutory provision, can a person be deemed indigent so as to throw the burden of his hospital expense upon a political subdivision when the facts establish that such person is not a pauper, even though such person does not, or may even be unable to, pay for such service upon discharge?"

Section 3480-1, General Code, is part of Division IV, Chapter 1 of the General Code under the heading of "Charity", and includes Sections 3476 to 3496, inclusive, General Code, which provide a system regulating the manner of rendering aid to the needy poor of a community. Section 3476 to 3496, General Code, are in *pari materia* and should be construed together. Although these sections were enacted at different times and by different legislatures, it is said:

"All consistent statutes which can stand together, though enacted at different dates, relating to the same subject, and hence briefly called statutes in *pari materia* are treated prospectively and construed together as though they constituted one act. This is true whether the acts relating to the same subject were passed at different dates, separated by long or short intervals, at the same session or on the same day. * * * Statutes constituting a system should be so construed as to make that system consistent in all its parts and uniform in its operation." Lewis' Sutherland Statutory Construction, Vol. 2, par. 443.

Section 3476, General Code, provides that the trustees of a township or the proper officers of each city shall afford at the expense of each township or

municipal corporation public relief or support to all persons therein who are in condition requiring it and who have a legal settlement in the township or city, such relief to be granted in the homes.

Sections 3477 and 3479, General Code, provide the definition of legal settlement.

Section 3480 provides that 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 some person having knowledge of the need of the person to the proper township trustees or municipal officers.

Section 3481 provides the manner of investigating those who are reported as being in need.

Section 3480-1, General Code, provides as follows:

“When a person requiring medical services or the services of a hospital, in cases other than contagious, has a legal settlement in a municipality or township within the same county but other than that in which the service is rendered, and such person is unable to pay the expenses of such service, *the municipality or township rendering such service* shall notify, in writing, the proper officials of the municipality or township of legal settlement of such person that such services are being rendered. Such written notice shall be sent within three days if the fact of non-residence is disclosed upon the beginning of such service or admission to such hospital, or within three days after discovery of such fact if the same be not disclosed as above. Thereupon the municipality or township of legal settlement shall be liable for such services at the established rate of the municipality or township rendering such service and shall pay for the same within thirty days after date of the sworn statement covering such expenses, which sworn statement shall be sent to the proper officials of the municipality or township of legal settlement within twenty days after the discharge of such person. If the notice of such service be not sent to the municipality or township of legal settlement within three days after the disclosure by such person or the discovery of such non-residence, such municipality or township shall be liable only after the receipt of such notice. Nothing herein contained shall prevent the removal of such person, or the assumption of care of such person, by the municipality or township of legal settlement, at its expense, but such removal or assumption shall not relieve such municipality or township from liability for the expense theretofore incurred by the municipality or township rendering such service. Any such person who does not, upon discharge, pay for such services at the established rate therefor shall, for the purposes of this act, be deemed indigent insofar as the municipality or township rendering such service is concerned. The municipality or township of legal settlement is hereby abrogated to all the rights of the municipality or township rendering such service to such person.” (Italics the writer’s.)

This section makes provision for the medical or hospital care of a person who is stricken ill in the county of his residence but in a city or township other than that in which he has a legal settlement. Where the stricken person is in need of medical or hospital services and is unable to pay the expense of such services, *the proper township or city officials of the township or city where he is*

afflicted should be notified as provided by Section 3480, General Code, and, when, upon investigation, the need of the person is approved by the proper officials and the afflicted person sent to a hospital, and notice is given within three days after the non-residence of the person afflicted is disclosed by the township or city officials furnishing the medical or hospital services to the officials of the township or city in which the afflicted person has a legal settlement, thereupon the township or city of legal settlement of the afflicted person shall be liable for such hospital or medical services.

The notice given to officials of the taxing district of legal settlement by the township trustees or proper officers of the city rendering the service is to enable the officials of the township or city of the legal settlement to properly investigate the legal settlement of the afflicted person and their ability to provide for the payment of such medical or hospital services, as well as to enable the township trustees and proper municipal officers to remove the afflicted person to such hospital or suitable place as the proper officials of the district of legal settlement may provide for the needed care of the afflicted person. In this particular instance the notice was given by the Newark City Hospital but *the services were not rendered at the request or instance of the proper city officials of the city of Newark.*

In specific answer to your first question, it is my opinion that the Newark City Hospital, being a private institution and not having furnished the hospital and medical services for the woman in question at the instance of the proper Newark city officials, could not hold the township trustees of Washington Township, Licking County, Ohio, liable for the medical or hospital services of the woman in question. The hospital services not being furnished at the instance of the officials of the city of Newark, it would not have changed the liability had the director of public safety of the city of Newark given the notice to the township trustees of Washington Township.

In view of this discussion, *supra*, it becomes unnecessary to answer your second question.

Respectfully,
JOHN W. BRICKER,
Attorney General.

1495.

FIRE INSURANCE—NOT VIOLATION OF SECTION 12910, G. C., FOR HUSBAND OF MEMBER OF BOARD OF TRUSTEES OF COUNTY CHILDREN'S HOME TO SELL FIRE INSURANCE ON SUCH HOME.

SYLLABUS:

It is not a violation of section 12910, General Code, for the husband of a member of the board of trustees of a county children's home to sell fire insurance for the use of such home.

COLUMBUS, OHIO, September 2, 1933.

HON. JOHN W. BOLIN, *Prosecuting Attorney, Athens, Ohio.*

DEAR SIR:—This is to acknowledge receipt of your letter of recent date, which reads as follows: