

new obligations, impose a new duty or attach new disabilities in respect to transactions or considerations already past.

The conclusion is therefore reached that amended sections 11181 and 8023 of the General Code apply to all females under twenty-one years of age and that those who were eighteen years of age before the taking effect of these respective amended sections were of full legal age during the period between the date when they became eighteen years of age, and the date of the taking effect of said respective amended sections, and resumed the status of minors upon the taking effect of said amended sections and so remain until they reach the age of twenty-one years.

Respectfully,
C. C. CRABBE,
Attorney General.

689.

TOWNSHIP TRUSTEES—PHYSICIAN MAY RECOVER FROM TOWNSHIP FOR SERVICES RENDERED PERSONS CONFINED IN QUARANTINED HOUSE—SECTION 4436 G. C. CONSTRUED.

COLUMBUS, OHIO, September 4, 1923.

SYLLABUS:

Under section 4436 G. C. a physician who renders medical attention to persons confined in a quarantined house, which has been quarantined by order of the Board of Health, may recover from the township for his services independently of the provisions of section 3480 G. C.

HON. WALTER K. KEPPEL, *Prosecuting Attorney, Tiffin, Ohio.*

DEAR SIR:—This will acknowledge receipt of your letter requesting the opinion of this department upon the following:

"A family who live in Big Spring Township in this county were taken ill with Scarlet Fever and sent word that they needed some groceries and supplies. These were furnished them by the Trustees.

At that time the trustees asked the head of the family whether they were able to pay their physician and they said they were, so nothing was done. The physician in charge has now presented a bill to the trustees, saying the family is indigent. The physician has never complied with section 3480 of the General Code in regard to notifying the trustees.

The doctor now contends that irrespective of that fact he is entitled to recover under section 4436 G. C. on the ground that he notified the County Health Commissioner and the family was quarantined by his order.

May he recover under 4436 G. C. without first having complied with section 3480?"

The provisions of section 3480 G. C. and section 4436 G. C. are as follows :

"3480. Relief, how obtained; notice to trustees or officers.—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 a person having knowledge of the fact to the township trustees, or proper municipal officer. If medical services are required, and no physician or surgeon is regularly employed by contract to furnish medical attendance to such poor, the physician called or attending shall immediately notify such trustees or officer in writing, that he is attending such person, and thereupon the township or municipal corporation shall be liable for relief and services thereafter rendered such person, in such amount as such trustees or proper officers determine to be just and reasonable. If such notice be not given within three days after such relief is afforded or services begin, the township or municipal corporation shall be liable only for relief or services rendered after notice has been given. Such trustees or officer, at any time may order the discontinuance of such services, and shall not be liable for services or relief thereafter rendered.

4436. Maintenance of person confined in quarantined house.—When a house or other place is quarantined on account of contagious diseases, the board of health having jurisdiction shall provide for all persons confined in such house or place, food, fuel, and all other necessaries of life, including medical attendance, medicine and nurses when necessary. The expenses so incurred, except those for disinfection, quarantine or other measures strictly for the protection of the public health, when properly certified by the president and clerk of the board of health, or health officer where there is no board of health, shall be paid by the person or persons quarantined, when able to make such payment, and when not, by the municipality or township in which quarantined."

From the facts stated in your letter above it would appear that there might be a dispute as to the ability of the family quarantined to pay the physician, and, if so, that becomes a question of fact to be determined according to the circumstances of the case.

However, it is to be remembered that the persons quarantined, even though able financially, are not obliged to pay all of the quarantine expenses.

The first part of section 4436 G. C. provides that when a house is quarantined,

"The board of health having jurisdiction shall provide for all persons confined in such house or place, * * * and all other necessaries of life, including medical attendance, medicine and nurses when necessary."

It is made the duty of the board of health to make the provisions above mentioned.

It will be noted also in the case you mention the board of health, through its health officer ordered the house quarantined.

The latter part of the section designates what things furnished or provided by the board of health shall be paid for, by the persons quarantined, when able to pay as follows :

"The expenses so incurred except those for disinfection, quarantine and other measures strictly for the protection of the public health, when properly certified by the president and clerk of the board of health, * * * shall be paid by the person or persons quarantined when able * * * and when not by the municipality or township in which quarantined."

See the opinion of Attorney General 1919, Vol. 1, page 105.

In opinion of the Attorney General Vol. 2, page 1509, the syllabus is as follows:

"Section 4436 G. C., and not section 3480, should be made to apply in a case where a resident of a village is quarantined by the board of health of said village and said person so quarantined is in need of medical attention and is unable to pay for the same."

While the above mentioned opinion was based upon a claim against a municipal corporation we think it equally applicable to a claim against the township, as mentioned in your letter.

It would seem that section 3480 G. C. is intended to deal with the indigent poor of a township or municipal corporation, while section 4436 G. C. is a part of the act relating to health conditions generally, in townships or municipalities.

Section 3480 is rather broad and general in its scope, while section 4436 is specific and limited in its provisions in that it deals with persons who are quarantined on account of contagious diseases.

In the case of the village of Barberton vs. Lohmers, 18 C. C. (N. S.) 196, it was held, under facts somewhat similar to those mentioned in your letter barring the question of the ability of the family to pay, that the physician would have a right of action against the municipality under the provisions of section 4436 for medical services rendered to quarantined smallpox patients alleged to have been unable to pay therefor themselves. This case also supports the theory that section 4436 G. C. is applicable to the facts contained in your letter.

It is my conclusion therefore that your inquiry should be answered in the affirmative.

Respectfully,

C. C. CRABBE,

Attorney General.

690.

ABSTRACT, STATUS OF TITLE SOUTH HALF OF LOT 100, HAMILTON'S
SECOND GARDEN ADDITION, COLUMBUS, OHIO.

COLUMBUS, OHIO, September 5, 1923.

HON. CHARLES V. TRUAX, *Director of Agriculture, Columbus, Ohio.*

DEAR SIR:—An examination of an abstract of title submitted by your office to this department discloses the following: