

"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.*

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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:

The abstract under consideration was prepared by Adolph Haak & Company, Abstracters, August 10, 1905, and continuations thereto made as follows:

- 1st continuation by Stephen A. Sharp, Attorney, February 13, 1918.
  - 2nd continuation by August W. Weber, Attorney, September 23, 1918.
  - 3rd continuation by C. F. Luckhart, Attorney, February 15, 1919.
  - 4th continuation by F. B. Milligan, Abstracter, June 17, 1919.
  - 5th continuation by John H. Eagleson, Attorney, August 29, 1922.
  - 6th continuation by F. B. Milligan, Abstracter, December 2, 1922.
  - 7th continuation by E. M. Baldrige, Attorney, August 22, 1923.
- The abstract in question pertains to the following premises.

The south half of Lot 100 of Hamilton's Second Garden Addition to the city of Columbus, Ohio, as the same is numbered and delineated on the recorded plat thereof, recorded in Plat Book 7, page 186, Recorder's Office, Franklin County, Ohio, saving and excepting six feet off the rear end thereof reserved for the purpose of an alley.

Upon examination of said abstract, I am of the opinion same shows a good and merchantable title to said premises in Dora G. Davidson, subject to the following exceptions:

The release of the mortgage shown at section 8 of the first part of the abstract is in defective form, but as the note secured by the mortgage has been long past due, no action could be maintained upon same. The release shown at section 14 is also defective but shows that the notes secured by the mortgage were undoubtedly paid.

Attention is directed to the restrictions in the conveyance shown at section 1 of the continuation of February 13, 1918, wherein are found restrictions for a period of twenty-five years against the use of the premises for the erection of any buildings to be used for slaughter houses and the killing of animals, or the use of said premises for the sale of intoxicating liquors or malt beverages.

The abstract states no examination has been made in the United States District or Circuit Courts, nor in any subdivision thereof.

Taxes for the year 1923, although as yet undetermined, are a lien against the premises.

It is suggested that the proper execution of a general warranty deed by Dora G. Davidson and husband, if married, will be sufficient to convey the title to said premises to the State of Ohio when properly delivered.

Attention is also directed to the necessity of the proper certificate of the Director of Finance to the effect that there are unencumbered balances legally appropriated sufficient to cover the purchase price before the purchase can be consummated.

The abstract submitted is herewith returned.

Respectfully,  
C. C. CRABBE,  
*Attorney General.*