

not be properly given except in a hospital, and I have no doubt that he acted in good faith and did what he thought to be for the best interests of the patient by ordering that he be sent to a hospital; and inasmuch as there was no hospital available in Paulding County, and the officials of Paulding County had no contract with a hospital for the care of the indigent sick, he ordered the injured person taken to the nearest and best available hospital under the circumstances, and thereafter undertook to advise the public officials of what had been done, although as it turns out, he did not give that notice to the proper officials and strictly in compliance with the statute. The situation in which the injured person and the physician found themselves at the time of this injury might well be termed an emergency, and in my opinion the poor laws providing for relief to indigent persons should not be so construed as to deny to persons under these circumstances public relief simply by reason of the failure to strictly comply with their terms.

In a former opinion of this department, reported in Opinions, Attorney General, 1919, Vol. I, page 965, it is said:

"The poor laws of the state should be liberally construed so as to accomplish the object and purpose of the enactment, and should not, excepting only when clearly and imperatively so required by their own language, be so construed as to exclude from their protection an indigent poor person who is in a condition requiring public support and relief."

The fact that the hospital to which this man was taken is a sectarian institution does not, in my opinion, preclude payment to them by public officials for services rendered.

Section 3138-1, General Code, to which you refer in your inquiry, has reference only to the making of contracts with sectarian institutions by county commissioners and is not applicable to situations wherein temporary relief is granted in emergency cases.

I am therefore of the opinion that it is proper and legal for the township trustees of Latty Township, Paulding County, Ohio, to pay the hospital and transportation bills about which you inquire.

Respectfully,  
EDWARD C. TURNER,  
*Attorney General.*

2561.

APPROVAL, ABSTRACT OF TITLE TO LAND OF EDWARD CUNNINGHAM, IN NILE TOWNSHIP, SCIOTO COUNTY, OHIO.

COLUMBUS, OHIO, September 11, 1928.

HON. CARL E. STEER, *Secretary, Ohio Agricultural Experiment Station, Columbus, Ohio.*

DEAR SIR:—This is to acknowledge receipt of your communication under date of September 4, 1928, enclosing a corrected abstract of title of certain lands in Nile Township, Scioto County, Ohio, standing in the name of Edward Cunningham, which property is more particularly described in Opinion No. 2325 of this department addressed to you under date of July 7, 1928.

Upon examining the corrected abstract of title submitted, I find that the objections noted by me to the original abstract, and set out in the former opinion of this

department, above referred to, have been corrected by further information which has been made a part of the abstract. From my examination of said corrected abstract, I am of the opinion that Edward Cunningham has a good and merchantable fee simple title to the lands here in question, free and clear of all encumbrances whatsoever other than the undetermined taxes for the year 1928.

In my former opinion I called your attention to the fact that the encumbrance estimate submitted to me at that time was defective in that it did not appear that the same had been signed by the Director of Finance. I likewise called your attention to the fact that the file submitted at that time did not show that the purchase of this property had ever been approved by the Board of Control. The only thing that I have before me now is the corrected abstract and I have no means of knowing whether you now have the properly executed encumbrance estimate showing that there are sufficient balances in the appropriation account to purchase these lands, neither am I advised as to whether the purchase of this property has been approved by the Controlling Board. In the absence of this information, I can not approve the proceedings relating to the purchase of these lands, although as above noted, the corrected abstract of title submitted, is approved.

Respectfully,

EDWARD C. TURNER,  
*Attorney General.*

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2562.

APPROVAL, BONDS OF THE VILLAGE OF CLYDE, SANDUSKY COUNTY  
—\$17,585.00.

COLUMBUS, OHIO, September 11, 1928.

*Industrial Commission of Ohio, Columbus, Ohio.*

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2563.

DISAPPROVAL, BONDS OF THE VILLAGE OF SOMERVILLE, BUTLER  
COUNTY, OHIO—\$8,986.34.

COLUMBUS, OHIO, September 12, 1928.

Re: Bonds of the Village of Somerville, Butler County, Ohio, \$8,986.34.

*The Industrial Commission of Ohio, Columbus, Ohio.*

GENTLEMEN:—An examination of the transcript relative to the above issue of bonds reveals that said bonds were advertised for sale for a period of three consecutive weeks commencing May 22, 1928. Such advertisement was apparently had in accordance with Section 2293-28, General Code, which provides for the publication of advertisements of sale of bonds for three consecutive weeks, the first advertisement to be at least twenty-one full days prior to the date of sale in a newspaper having general circulation in the county where the bonds are issued. Section 2293-28, General Code, is a part of The Uniform Bond Act, which became effective on August 10, 1927.