

collected on account of the vehicle transferred, on the date of such application."

This department, in construing this provision in Opinion No. 2066, directed to you under date of May 7, 1928, held that the privilege of transferring number plates from the original car to another car is personal to the original owner and that the number plates on a car may not be assigned for transfer to the new owner of such car. The matter of assigning a distinctive number to a motor vehicle and issuing number plates therefor is one that follows the filing of an application for the registration of such motor vehicle and the payment of the tax imposed by the motor vehicle license law. It follows, therefore, that where the owner of a motor vehicle, who has filed an application for the registration of such motor vehicle and has paid the annual license tax or fee therefor, sells or transfers such motor vehicle to another person during such current year, the license issued to the original owner on such motor vehicle cannot be transferred to the vendee or transferee of such motor vehicle; but that such vendee or transferee, as a condition to his right to operate such motor vehicle upon the public roads or highways of this state, is required to file an application for the registration of such motor vehicle and pay therefor such part of the normal tax as is provided by the provisions of Section 6295, General Code, above quoted.

By way of specific answer to the question made in your communication, I am of the opinion that the Railway Express Agency, Inc., is required, by the provisions of the motor vehicle license law of this state, to make application for the registration of the motor vehicles taken over by it from the American Express Company and to pay the proper tax on such motor vehicles for the year 1929.

Respectfully,

GILBERT BETTMAN,
Attorney General.

355.

INSANE PERSON—ESCAPING FROM STATE HOSPITAL—STATE NOT
LIABLE FOR MEDICAL EXPENSES INCURRED BY SUCH PERSON
WHILE OUTSIDE HOSPITAL.

SYLLABUS:

When a person escapes from a state hospital for the insane and, during the time intervening between such escape and the time such patient is returned to the hospital, expenses have been incurred by reason of the care and attention furnished by a hospital due to the illness of the patient, there is no provision of law authorizing the payment of such hospital expenses from the state treasury.

COLUMBUS, OHIO, April 26, 1929.

HON. H. H. GRISWOLD, *Director of Public Welfare, Columbus, Ohio.*

DEAR SIR:—Acknowledgment is made of your recent communication, which reads:

"On December 12, 1923, a patient was committed to one of the Hospitals for the Insane. On November 21, 1928, he escaped and was not located until February 19, 1929, when he was found at the Portsmouth General Hospital. He escaped from this hospital and was captured by the county sheriff, lodged

in the county jail, and from there removed by this department to Dayton State Hospital.

The Portsmouth General Hospital now submits a bill for board and nursing at the rate of three and one-half (\$3.50) dollars per day.

Will you kindly advise me whether there is any provision of statute requiring the state to assume the payment of this bill or authorizing the department to use its funds for that purpose?"

From the statement in your communication, it clearly appears that the patient referred to was out of the state institution without the consent of the officials in charge thereof. An extensive search of the statutes has been made and no provisions thereof have come to my attention which authorize a payment of the hospital bill under such circumstances as your communication describes.

It is a well known rule of judicial interpretation in Ohio that moneys can not be drawn from the public treasuries except in pursuance of law. In other words, no matter how just or equitable a given charge may seem to be, unless there be specific statutory provisions authorizing a public official to make payments thereof, no such payment can be made.

While there are a number of sections of the General Code that deal with the subject of support of inmates in an insane asylum, there are none that cover the situation such as you present. The statutes require the state to provide for their support while such patients are in such state institutions, but those sections do not refer to or authorize the support of such inmates when outside of a state institution.

Section 1978, General Code, provides in substance that when a patient escapes from an insane hospital and returns to the county from which he was committed, the sheriff of such county, when notified by the superintendent, shall forthwith arrest and return him to the hospital. For such service the sheriff is entitled to be paid the fees allowed by law for the commitment of an insane person to a hospital and such fees are to be paid by the steward on the certificate of the superintendent.

The above provision is the only one coming to my attention that mentions the payment of costs in connection with the return of an escaped insane person and, of course, has no application to the question under consideration.

In view of the foregoing, and in specific answer to your inquiry, it is my opinion that when a person escapes from a state hospital for the insane and, during the time intervening between such escape and the time such patient is returned to the hospital, expenses have been incurred by reason of the care and attention furnished by a hospital due to the illness of the patient, there is no provision of law authorizing the payment of such hospital expenses from the state treasury.

Respectfully,

GILBERT BETTMAN,
Attorney General.

356.

APPROVAL, FINAL RESOLUTIONS ON ROAD IMPROVEMENTS IN RICHLAND, PORTAGE, COLUMBIANA, LICKING AND LUCAS COUNTIES.

COLUMBUS, OHIO, April 26, 1929.

HON. ROBERT N. WAID, *Director of Highways, Columbus, Ohio.*