

I further suggest that each bond, upon final acceptance, contain a filing stamp indicating the date it is formally filed and therefore operative.

Respectfully,

JOHN W. BRICKER,
Attorney General.

3675.

APPROVAL—PAPERS AND PROCEEDINGS RELATING TO THE CONVERSION OF THE DOLLAR SAVING AND LOAN COMPANY OF HAMILTON, OHIO, INTO THE DOLLAR FEDERAL SAVINGS AND LOAN ASSOCIATION OF HAMILTON, OHIO.

COLUMBUS, OHIO, December 20, 1934.

HON. HARRY L. EVERTS, *Superintendent of Building and Loan Associations of Ohio, Columbus, Ohio.*

DEAR SIR:—I have examined the various papers submitted by you in connection with the conversion of The Dollar Saving and Loan Company of Hamilton, Ohio, into the Dollar Federal Savings and Loan Association of Hamilton, Ohio, and find the papers submitted and the proceedings of said The Dollar Savings and Loan Company, as disclosed thereby, to be regular and in conformity with the provisions of Section 9660-2 of the General Code of Ohio.

All papers, including two copies of the charter issued to said Dollar Federal Savings and Loan Association of Hamilton, Ohio, are returned herewith to be filed by you as a part of the permanent records of your department, except one copy of the charter which the law provides shall be filed by you with the Secretary of State. The law further provides that such filing with the Secretary of State shall be within ten days after the requirements of said section 9660-2 have been complied with by the saving and loan company, and that your approval shall be endorsed on the copy so filed.

Respectfully,

JOHN W. BRICKER,
Attorney General.

3676.

BURIAL—OF INDIGENT INMATE OF STATE HOSPITAL WHERE BODY UNCLAIMED—EXPENSES PAID BY COUNTY OF PAUPER'S RESIDENCE.

SYLLABUS:

Where an indigent inmate of the Toledo State Hospital dies in such institution, and his body is not delivered in accordance with the provisions of Section 9984, G. C., or is not claimed by any person for private interment at his expense, the board in control of such institution should pay all expenses of the burial and send an itemized statement of the expenses thereof to the county commissioners of the

county from which the pauper was sent to the institution and then such county commissioners should pay such bill to the board in control.

COLUMBUS, OHIO, December 22, 1934.

HON. JOSEPH J. LABADIE, *Prosecuting Attorney, Ottawa, Ohio.*

DEAR SIR:—I am in receipt of your communication which reads as follows:

“Will you please advise me in the following matter:

A person from this county was committed to the Toledo State Hospital for the Insane more than a year ago. This person had no property whatsoever and died in the said Toledo State Hospital, the body being returned to this county, the former home of this person.

Who is responsible for the funeral and burial expenses of said person? Should the township trustees of the last legal settlement of this person, or is it a proper bill for the County Commissioners?”

Section 3495, General Code, provides in part as follows:

“When the dead body of a person is found in a township or municipal corporation, and such person was not an inmate of a penal, reformatory, benevolent or charitable institution in this state, and whose body is not claimed by any person for private interment at his own expense, nor delivered for the purpose of medical or surgical study or dissection in accordance with the provisions of Section 9984, it shall be disposed of as follows: If he were a legal resident of the county, the proper officers of the township or corporation in which his body was found shall cause it to be buried at the expense of the township or corporation in which he had a legal settlement at the time of his death; if he had a legal residence in any other county of the state, at the time of his death, the infirmary superintendent of the county in which his dead body was found shall cause it to be buried at the expense of the township or corporation in which he had a legal residence at the time of his death, but if he had no legal residence in the state, or his legal residence is unknown, such infirmary superintendent shall cause him to be buried at the expense of the county. * * *”
(Italics the writer's.)

Section 9984, General Code, referred to in the above quoted statute, provides as follows:

“Superintendents of city hospitals, directors or superintendents of city or county infirmaries, directors or superintendents of work-houses, directors or superintendents of asylums for the insane, or other charitable institutions founded and supported in whole or in part at public expense, the directors or warden of the penitentiary, township trustees, sheriffs, or coroners, in possession of bodies not claimed or identified, or which must be buried at the expense of the county or township, before burial, shall hold such bodies not less than thirty-six hours and notify the professor of anatomy in a college which by its charter is empowered to teach anatomy, or the president of a county medical society, of the fact that such bodies are being held. Before or after burial such superintendent, director, or

other officer, on the written application of the professor of anatomy, or the president of a county medical society shall deliver to such professor or president, for the purpose of medical or surgical study or dissection, the body of a person who died in either of such institutions, from any disease, not infectious, if it has not been requested for interment by any person at his own expense." (Italics the writer's.)

Section 3496, General Code, provides:

"In a county in which is located a state benevolent institution, the board in control of said institution *shall pay all the expenses of burial of a pauper that dies in such institution*, except when the body is delivered in accordance with the provisions of Section 9984 of the General Code, and send an itemized bill of the expenses thereof to the county commissioners of the county from which the pauper was sent to the institution. Such county commissioners shall immediately pay the bill to such board in control." (Italics the writer's.)

Sections 1947 to 1983, inclusive, of the General Code, provide for hospitals for the insane. The Toledo State Hospital for the Insane is classified in the Ohio General Code as "a state benevolent institution." Section 1835, General Code, provides:

"The director of public welfare shall appoint a fiscal supervisor, and such other employes as may be deemed necessary for the efficient conduct of the business, prescribe their titles and duties and fix their compensation, except as otherwise provided herein. The department of public welfare shall have full power to manage and govern the following institutions:

* * *	* * *	* * *
The Toledo State Hospital		
* * *	* * *	* * *

Inasmuch as the Toledo State Hospital is a state benevolent institution, it is within the exception to the operation of Section 3495, General Code, quoted in part supra, and consequently it is my opinion that such section in question would not relate to an inmate of the Toledo State Hospital for the insane who died while in said hospital. In such case, the burial of the inmate should be by virtue of Section 3496, General Code, quoted supra, and when the body is not delivered in accordance with the provisions of Section 9984 of the General Code, "the board in control of said institution shall pay all expenses of the burial of a pauper that dies in such institution * * * and send an itemized bill of the expenses thereof to the County Commissioners of the county from which the pauper was sent to the institution." Then "such county commissioners shall immediately pay the bill to such board in control."

Under the conditions you mention in your inquiry, where an inmate of the Toledo State Hospital for the Insane died in that institution and his body was not claimed for private interment or delivered in accordance with the provisions of Section 9984, General Code, but was returned to your county, it is my opinion that neither the township trustees of the township of the last legal settlement of this person nor the county commissioners are authorized to pay the expenses of burial of such indigent person. Under such conditions

the procedure to be followed is for the board in control of the Toledo State Hospital to pay the expenses of the burial of the pauper and send an itemized bill of the expenses thereof to the county commissioners, who then would be authorized to immediately pay the bill to the board in control of such institution.

Respectfully,
JOHN W. BRICKER,
Attorney General.

3677.

APPROVAL—TRANSCRIPT OF PROCEEDINGS RELATING TO A
CLAIM FOR A REDUCTION IN THE CURRENT ANNUAL
RENTAL TO LAND IN FAIRFIELD COUNTY.

COLUMBUS, OHIO, December 22, 1934.

HON. WILLIAM H. REINHART, *Conservation Commissioner, Columbus, Ohio.*

DEAR SIR:—You recently submitted for my examination and approval the transcript of your proceedings relating to a claim for a reduction in the amount of the current annual rental provided for in a lease granted to John H. and Leslie P. Fugitt of Columbus, Ohio, under date of November 29, 1932, by which lease there was leased and demised to the lessees above named the right to occupy and use for cottage site and docklanding purposes that portion of the inner slope and waterfront and outer slope and borrow pit in the rear thereof on the north shore of Buckeye Lake, that is included in the west one-half of embankment lot No. 11, as laid out by the Ohio Canal Commission in 1905.

The reason assigned by the lessees above named in their application for a reduction in the amount of the current annual rental on the lease is that other lots in the immediate locality and having an equal frontage, which have been leased to other persons, carry an annual rental of only twelve dollars and the application suggests the inference that the provision in the lease here under investigation fixing the annual rental at the sum of fifty dollars, was the result of an inadvertent mistake in arriving at the appraised value of this lot, which value, under the statute, is the predicate for the annual rental to be paid on the lease.

In any event, acting upon this application, you have seen fit to make a reduction in the amount of the current rental for the period from November 1, 1934, to November 1, 1935, from the sum of fifty dollars, the amount provided for in the lease, to the sum of twenty-four dollars. Assuming, as I must, that, acting under the provisions of House Bill No. 467, 115 O. L. 512, you have made the necessary investigation for the purpose of determining the merits of this application, I find no reason to question the conclusion reached by you in this matter and your finding is accordingly approved by me as is evidenced by my approval endorsed upon the resolutions which are made a part of your proceedings in this matter. Your transcript relating to this matter and the several copies thereof are herewith returned.

Respectfully,
JOHN W. BRICKER,
Attorney General.