

Frank M. West, Assistant Secretary, Department of
Highways,—New York Casualty Company

The above mentioned bond is undoubtedly executed pursuant to the provisions of sections 1182-2 and 1182-3, General Code. Such sections provide in part:

1182-2.

"The director may appoint additional clerks and stenographers, and such other engineers, inspectors and *other employes* within the limits of the appropriation as he may deem necessary to fully carry out the provisions of this act; * * *."

1182-3.

"Each employe or appointee under the provisions of this act in cases other than where the amount of the bond is herein fixed, may be required to give bond in such sum as the director may determine. All bonds hereinbefore provided for shall be conditioned upon the faithful discharge of the duties of their respective positions, and such bonds * * * shall be approved as to the sufficiency of the sureties by the director, and as to legality and form by the attorney general, and be deposited with the secretary of state. * * *."

Finding said bond to be in proper legal form, in accordance with the above quoted statutory provisions, I hereby approve same, and am returning it to you herewith.

Respectfully,

JOHN W. BRICKER,

Attorney General.

214.

CORONER—ENTITLED TO STATUTORY FEES FOR PERFORMING
DUTIES UNDER SECTION 213, GENERAL CODE.

SYLLABUS:

A coroner is entitled to the fees specified in section 2866 of the General Code for the performance of duties required of him under section 213, General Code.

COLUMBUS, OHIO, March 16, 1933.

HON. RAY B. WATTERS, *Prosecuting Attorney, Akron, Ohio.*

DEAR SIR:—I have your letter of recent date which reads as follows:

"We have been requested to secure an opinion from your office as to whether or not under the duties required of the Coroner, under Section 213 of the General Code, he is entitled to fees for making the reports therein set forth."

Section 204 of the General Code requires that a burial or removal permit shall be issued by the local registrar of vital statistics before any body can be interred, disposed of or removed, and further provides that no such permission shall be issued until a certificate of death has been filed.

Section 213, General Code, provides:

"If it appears that the death was caused by unlawful or suspicious means, the registrar shall refer the case to the coroner. A coroner whose duty it is to hold an inquest on the body of a deceased person, and to make the certificate of death required for a burial permit, shall state therein the nature of the disease, or the manner of death; and, if from external causes or violence whether (probably) accidental, suicidal or homicidal. He shall, in either case, furnish the information required by the state registrar to properly classify the death."

Section 2866, General Code, reads:

"Coroners shall be allowed the following fees: For view of dead body, three dollars; *for drawing all necessary writings, for every one hundred words, ten cents*; for traveling each mile, ten cents; when performing the duties of sheriff, the same fees as are allowed to sheriffs for similar services." (Italics the writer's.)

Section 213 and 2866 must be read *in pari materia*. The following language appears in 2 Lewis' Sutherland Statutory Construction at page 845:

"Statutes which are not inconsistent with one another, and which relate to the same subject-matter, are *in pari materia*, and effect should be given to them all, although they contain no reference to one another, and were passed at different times."

Since section 213 requires the coroner to make the certificate of death, this certificate must be construed to be a necessary writing under section 2866 which provides a fee for "all necessary writings."

In order to make the certificate, it is necessary for the coroner to view the body which, in turn, will probably necessitate traveling. Section 2866 allows fees for these acts. Of course, the coroner could not charge two fees for the same acts, as where he travels to and views a body in compliance with section 203, and by the same acts performs his duty under section 2856 relating to inquests in cases of death by violence.

Specifically answering your question, I am of the opinion that the coroner is entitled to the fees specified in section 2866 of the General Code for the performance of duties required of him under section 213, General Code.

Respectfully,

JOHN W. BRICKER,
Attorney General.

215.

APPROVAL, NOTES OF UNION TOWNSHIP RURAL CENTRALIZED
SCHOOL DISTRICT, BUTLER COUNTY, OHIO—\$3,000.00.

COLUMBUS, OHIO, March 16, 1933.

Retirement Board, State Teachers Retirement System, Columbus, Ohio.