

they fulfill in the end the same purpose, and are used jointly for the protection of life and property.

Referring to the former opinion of this department mentioned in your inquiry, relating to motor vehicles, and found on page 830, Vol. I, 1919 Opinions of Attorney-General, the following quotation is cited from the body of that opinion as pertinent to the present inquiry:

“Thus, while conceding the suggestion of the solicitor of Youngstown that sub-section 2 should be read in connection with sub-section 7, yet I am of the opinion that the conclusion does not follow that any authorization is found for issuing bonds to purchase automobiles, as it could not be said they pertain to the enjoyment or enlargement, etc., of the police station.”

The present case, however, is thought to be distinguishable from the one quoted in so much as that while automobiles would not seem to be a part of the necessary “equipment” or “enjoyment” of a police station, yet in the case under consideration the signal wires or apparatus of a police station would seem to be a most important and necessary part of such equipment; hence the questions and conclusions of that opinion would not be applicable to those under discussion.

In view, therefore, of the considerations presented and in light of the peculiar circumstances in the present case, which would seem to render impractical for consideration a separation of the police and fire alarm wires contained within the common cable, and believing that the intention of section 3939 G. C. would be defeated by a strict and perhaps over-technical application of legal principles to a subject so unique and peculiar in its circumstances as the one under consideration, it is the opinion of this department that the bond issue in question is legal and authorized by the provisions of section 3939 G. C.

Respectfully,
JOHN G. PRICE,
Attorney-General.

2227.

DEAD BODY—MAY BE DISINTERRED AT ANY TIME AFTER PERMISSION IS FIRST OBTAINED FROM LOCAL BOARD OF HEALTH—SEE SECTION 3467 G. C.

Under the provisions of section 3467 G. C. a body may be disinterred at any time after permission is first obtained from the local board of health.

COLUMBUS, OHIO, July 2, 1921.

Industrial Commission of Ohio, Columbus, Ohio.

GENTLEMEN:—Your letter of recent date received in which you request the opinion of this department as follows:

“We desire to advise that the industrial commission on April 19, 1921, ordered that a postmortem examination be held in order to de-

termine, if possible, the cause of death of the above named deceased. The deceased's widow consented in writing to the autopsy, and requested that the service director of the city of Findlay issue a permit to disinter the dead body for that purpose. The service director, however, refused to issue a permit on the ground that he was prevented from doing so by the provisions of section 3467, General Code.

The commission on June 7 ordered that the Attorney-General be requested for an opinion as to whether the provisions of section 3467, General Code, prevents disinterment of bodies during the months mentioned in the section, where delivery of the body is not contemplated, but the disinterment is merely for the purpose of an autopsy."

On examination of the file in the above matter it is assumed that the transportation of the disinterred body does not enter into the real question asked, but that the inquiry for determination is, can the body be disinterred under General Code section 3467 during the months of April, May, June July, August and September.

General Code section 3467 provides as follows :

"The trustees or board of any cemetery association, or other officers having control and management of a cemetery, shall disinter or issue a permit for disinterment, and deliver any body buried in such cemetery, on application of the next of kin, on payment of the reasonable cost and expense of disinterment. No such disinterment shall be made during the months of April, May, June, July, August and September, and in no event if the deceased died of a contagious or infectious disease, until a permit has been issued by the local health department."

The portion of General Code section 3467 which is directly under consideration is the last sentence thereof, which expresses two exceptions, as follows :

1. No such disinterment shall be made during the months of April, May, June, July, August and September, until a permit has been issued by the local health department.
2. Disinterment shall be made in no event if the deceased died of a contagious or infectious disease, until a permit has been issued by the local health department.

These two sentences in General Code section 3467 have been combined into one sentence and that sentence has been punctuated so as to make the meaning clear, unambiguous and free from doubt.

The rule as expressed in 96 O. S., 27, for the interpretation of statutes, is as follows :

"If the language of a statute is ambiguous and its meaning doubtful, a court in construing such statute will endeavor to ascertain and give effect to the intent of the lawmaking body which enacted it; but when the language employed is clear, unambiguous, and free from doubt, it is the duty of the court to determine the meaning of that which the legislature did enact, and not what it may have intended to enact."

The issuing of a permit is a discretionary power left to the good judgment of the board of health that they may protect the public. If the public health is not endangered and the demand for disinterment is for a reasonable purpose, such board of health may be expected to give the proper permit.

In *Fowble vs. Walker*, 4 O., 64, the court says:

“Sound discretion does not mean an arbitrary discretion but such as may be exercised without the violation of any principle of law.”

From the above considerations it is the opinion of this department that a body may be disinterred under General Code section 3467 during the months of April, May, June, July, August and September if a permit so to do has been first obtained from the local health department.

Respectfully,

JOHN G. PRICE,
Attorney-General.

2228.

APPROVAL, FINAL RESOLUTIONS FOR ROAD IMPROVEMENTS IN LAKE, HOCKING, HARDIN, ASHTABULA AND TRUMBULL COUNTIES.

COLUMBUS, OHIO, July 2, 1921.

Department of Highways and Public Works, Division of Highways, Columbus, Ohio.

2229.

APPROVAL, BONDS OF DILLONVALE VILLAGE SCHOOL DISTRICT IN THE AMOUNT OF \$20,000.

COLUMBUS, OHIO, July 2, 1921.

Industrial Commission of Ohio, Columbus, Ohio.

Re: Bonds of Dillonvale village school district in the amount of \$20,000, issued under section 7625 et seq. G. C., being 6 bonds of \$750 each, 1 bond of \$1,900, 1 bond of \$2,100, 5 bonds of \$2,000 each and 1 bond of \$1,500, 6 per cent.

GENTLEMEN:—I have examined the transcript of the proceedings of the board of education and other officers of Dillonvale village school district relative to the above bond issue, and find the same regular and in conformity with the provisions of the General Code.

I am of the opinion that said bonds, drawn in accordance with the legislation authorizing their issuance, will, upon delivery, constitute valid and binding obligations of said school district.

In approving the issue of \$20,000 under consideration I do not wish to be understood as at this time approving the purchase of the remaining \$30,000