

This contract encumbrance record is in sufficient compliance with Section 2288-2, General Code.

I am, therefore, approving this lease and the same is herewith returned to you.

Respectfully,

HERBERT S. DUFFY,
Attorney General.

163.

CORONER—OBLIGATORY TO BE INFORMED AS TO CAUSE OF DEATH BEFORE VIEWING BODY—GOOD FAITH EXAMINATION OF BODY DEATH NOT BY UNLAWFUL MEANS—FEE FOR VIEWING BODY.

SYLLABUS:

1. *It is obligatory upon the coroner at the time of the original call and before viewing the body, to be informed that death is supposed to have been caused by unlawful or suspicious means.*

2. *If a coroner, acting in good faith and in pursuance of the duties enjoined upon him under and by virtue of section 2856, General Code, views a body whose death upon examination he ascertains was not caused by unlawful or suspicious means, he nevertheless is entitled, in addition to the fee allowed for mileage, a fee for viewing the body as provided for in section 2866, General Code.*

COLUMBUS, OHIO, February 23, 1937.

HON. LESTER W. DONALDSON, *Prosecuting Attorney, Painesville, Ohio.*

DEAR SIR: This will acknowledge receipt of your inquiry of recent date, which reads as follows:

“We are requesting from you the discussion of Section 2856 of the General Code of the State of Ohio, pertaining to inquest and proceedings by coroner.

The statute reads, ‘When informed that the body of a person whose death is supposed to have been caused by unlawful or suspicious means has been found within the county,

the coroner shall appear forthwith at the place where the body is, etc.’

The principal questions which we wish discussed by you in your opinion are as follows:

1. Is the coroner obliged to be informed that the death is supposed to have been caused by unlawful or suspicious means at the time of his original call and before he goes to view the body?

2. In the event he finds that there is no unlawful or suspicious means, is he entitled to any fee as coroner aside from his mileage?

These questions are continually arising and pertain particularly to cases where one or more persons are killed as result of automobile accident or are killed while in the performance of duties in industrial plants.

Your rendering a discussion and opinion on this statute will be greatly appreciated.”

Section 2856 of the General Code, which pertains to your inquiry, reads in part as follows:

“When informed that the body of a person whose death is supposed to have been caused by unlawful or suspicious means has been found within the county, the coroner shall appear forthwith at the place where the body is, * * *”

Under the provisions of the above statute, it is the mandatory duty of the coroner when informed that the body of a person whose death is supposed to have been caused by “unlawful or suspicious means” has been found within the county, to “appear forthwith” at the place where the body is.

To be informed means to receive knowledge, either communicated by others or obtained by personal study and investigation. This is the definition generally used in all dictionaries and is the common and well recognized use of said term.

Obviously, the provisions of the above statutes need no interpretation or construction. The application of the rules of statutory interpretation as discussed in Ohio Jurisprudence, Volume 3, at page 517, reads as follows:

“There is no occasion for resorting to rules of statutory interpretation if the language of the statute is plain and un-

ambiguous and conveys a clear and definite meaning. Therefore, where the statute on its face is free from ambiguity, it is the established policy of the courts to avoid giving it any other construction than that which its words demand. Indeed, it is not permissible to make an interpretation contrary to the plain and express words of the instrument, the meaning of which the General Assembly must be credited with understanding. To the contrary, the plain provisions of the statute must control."

The rule above stated is of such universal application that no exhaustive citation of the cases following it is attempted. Neither is a lengthy discussion of the provisions of Section 2856, *supra*, necessary. Suffice to say that it is manifest from a reading of the statute that the language used therein is plain and unambiguous and conveys a clear and definite meaning. To interpret what is already plain is not interpretation but legislation which is not the function of the courts but of the General Assembly. An unambiguous statute is to be applied, not interpreted.

I am, therefore, of the opinion, in specific answer to your first question, that it is obligatory upon the coroner at the time of the original call and before viewing the body, to be informed that death is supposed to have been caused by unlawful or suspicious means.

Coming now to the second question of your inquiry, it again becomes necessary to refer to the provisions of Section 2856, *supra*. As aforesaid, it is the mandatory duty of the coroner, when informed that a body has been found within the county whose death is supposed to have been caused by "unlawful or suspicious means" to appear forthwith to the place where the body is.

Section 2866, General Code, relating to the fees to be charged by coroners, provides as follows:

"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."

Therefore, it is my opinion, in specific answer to the second question of your inquiry, that if a coroner, acting in good faith and in pursuance of the duties enjoined upon him under and by virtue of Section 2856, General Code, views a body whose death upon examination he ascertains was not caused by unlawful or suspicious means, he never-

theless is entitled, in addition to the fee allowed for mileage, a fee for viewing the body as provided for in Section 2866, supra.

Respectfully.

HERBERT S. DUFFY,
Attorney General.

164.

CLERK OF BOARD OF COUNTY COMMISSIONERS MAY NOT BE SECRETARY TO BUILDING COMMISSION, WHEN—PAYMENT FOR SERVICES AS SECRETARY RECOVERABLE, WHEN—FINDING BY BUREAU OF INSPECTION OF PUBLIC OFFICES.

SYLLABUS:

1. *The clerk of the board of county commissioners employed under the provisions of Section 2409 of the General Code may not be legally employed by the building commission as secretary. Opinions of Attorney General for 1917, Vol. II, page 1435, affirmed.*

2. *If a clerk of the board of county commissioners employed under the provisions of Section 2409, General Code, has been paid an amount for services rendered as secretary to the building commission, such amount paid to him in that capacity may be recovered upon a finding made by an examiner of the Bureau of Inspection and Supervision of Public Offices.*

COLUMBUS, OHIO, February 23, 1937.

Bureau of Inspection and Supervision of Public Offices, Columbus, Ohio.

GENTLEMEN: This acknowledges receipt of your request for my opinion which reads as follows:

“You are respectfully requested to furnish this department with your written opinion upon the following:

In Cuyahoga County, the county commissioners, under the provisions of Section 2409, employed a full time clerk at an annual salary of \$6500.00.

During the time the clerk was so employed, bonds were issued by vote of the people in the sum of \$1,850,000 for the