

4672.

APPROVAL, ABSTRACT OF TITLE TO LAND OF JAMES E. McDERMOTT  
IN HIGHLAND COUNTY, OHIO.

COLUMBUS, OHIO, October 6, 1932.

MR. H. R. McPHERSON, *Business Agent, The Ohio State Archaeological and Historical Society, Columbus, Ohio.*

DEAR SIR:—You have submitted for my examination a short term abstract of title pertaining to a 67 $\frac{3}{8}$  acre tract of land in Highland County, Ohio, which is a part of the so-called Fort Hill land, and which tract was owned by one James E. McDermott of Hillsboro, Ohio, and against which condemnation proceedings were recently prosecuted by the Ohio State Archaeological and Historical Society.

Said abstract of title, certified under date of April 23, 1932, reveals that said James E. McDermott held a good and merchantable fee simple title to said land, subject only to the lien for taxes for the last half of the year 1931 in the amount of \$5.83, and to a lien for the taxes for the year 1932, the amount of which was undetermined at the time the abstract was made.

The said abstract will be forwarded to the State Auditor's office immediately.

Respectfully,

GILBERT BETTMAN,  
*Attorney General.*

4673.

CORPORATION—ACQUIRING ANIMALS FOR TANKAGE PURPOSES—  
MUST SECURE LICENSE UNDER SECTION 1177-60, G. C.

## SYLLABUS:

*A corporation which acquires dead animals for the purpose of manufacturing them into tankage by cooking is engaged in the business of disposing of the bodies of dead animals, as defined in section 1177-61 of the General Code, and, accordingly, is required to secure a license to engage in such business, as provided in section 1177-60, et seq., of the General Code.*

COLUMBUS, OHIO, October 7, 1932.

HON. EARL H. HANEFELD, *Director of Agriculture, Columbus, Ohio.*

DEAR SIR:—This will acknowledge your letter of recent date in which you inquire whether a packing company receiving dead hogs from a serum company and disposing of them by cooking and manufacturing the same into tankage is required to secure a license under the provisions of section 1177-60, et seq., of the General Code.

The business of disposing of the bodies of dead animals by certain methods or processes is legal, by the provisions of sections 1177-60 to 1177-70, inclusive, of the General Code. Sections 1177-60 and 1177-61 are pertinent to your inquiry and read as follows:

## Sec. 1177-60.

"That any person, firm or corporation desiring to engage in the business of disposing of the bodies of dead animals, by burying, burning, or cooking; and any person, firm or corporation in such business and desiring to continue same, shall first procure from the secretary of agriculture a license to do so, which license shall be for a period of one year and no longer. No license shall be required under the provisions of this act prior to January 1, 1920."

## Sec. 1177-61.

"Any person, firm or corporation who shall obtain from any other person, firm or corporation, by purchase or otherwise, the body of an animal for the purpose of obtaining the hide, skin or grease from such dead animal or for the purpose of disposing of the carcass of such dead animal in any way whatsoever, shall be deemed to have engaged in the business of disposing of the bodies of dead animals and shall be subject to all the provisions and penalties of this act.

This act shall not apply to any person, firm or corporation engaged in the business of gathering up and disposing of the bodies of dead fowls, cats, dogs, and other small animals in cities and villages under contract with such cities and villages to dispose of such dead bodies as garbage, nor to any person in such city or village who may employ another person to lawfully and legally dispose of the body of any animal which may have died in such city or village. Nothing in this act shall apply to the original owner disposing of carcasses of dead animals on his own premises."

It may perhaps be urged that, since the major business of the packing company is the slaughtering of animals which it purchases itself, and the purchase of these carcasses from the serum company is but incidental and perhaps more for the convenience of the serum company than for the profit of the packing company, accordingly it cannot be said that the packing company is engaged "in the business of disposing of the bodies of dead animals" by cooking, within the meaning of the language of section 1177-60, *supra*. However this may be, it seems clear that the activity of the packing company in this respect is within the language of section 1177-61, *supra*. That section enlarges the definition of the preceding section by making the license requirement apply to one who obtains from any other person, firm or corporation the body of an animal for the purpose of disposing of the carcass "in any way whatsoever". It is plain, therefore, that this section is broad enough to comprehend the situation which you describe in your letter.

I am accordingly of the opinion that a corporation which acquires dead animals for the purpose of manufacturing them into tankage by cooking is engaged in the business of disposing of the bodies of dead animals, as defined in section 1177-61 of the General Code, and, accordingly, is required to secure a license to engage in such business, as provided in section 1177-60, *et seq.*, of the General Code.

Respectfully,

GILBERT BETTMAN,  
*Attorney General.*