

independent and different method or means of illumination in order that the same may be available in case the electric current used to furnish light should become unavailable.

I am therefore of the opinion that the language of sections 12600-35 and 12600-67, General Code, does not require that provision be made for artificial illumination in buildings containing auditorium or assembly halls other than that created by the use of electric current.

Respectfully,  
GILBERT BETTMAN,  
*Attorney General.*

4814

BURIAL EXPENSES—INDIGENT PERSON OF COUNTY TUBERCULOSIS  
SANITORIUM—PAID BY COUNTY FROM GENERAL FUND—  
WHERE PATIENT DIES AWAY FROM HOSPITAL, PAID BY SUB-  
DIVISION OF LEGAL RESIDENCE.

*SYLLABUS:*

1. *It is the duty of a board of county commissioners to pay the burial expenses of a charge of the county committed by the proper county officers to a county tuberculosis sanitorium and pay the same from the county tuberculosis sanitorium maintenance appropriation item in the general fund.*

2. *The expenses of the burial of an indigent person who has been treated or cared for in a county sanitorium and who was afterwards removed from the sanitorium, should be paid by the township, village or city in which such decedent had a legal residence.*

3. *The burial expenses of an indigent person afflicted with tuberculosis, who was not an inmate of a county tuberculosis sanitorium, but who was given home treatment, should be paid by the township, city or village of his legal residence. If such person's legal residence was a township, such expenses should be paid from the poor fund if a levy has been made for such purpose—otherwise, from the general fund. If such person's legal residence was in a municipal corporation, then such expenses should be paid from the general fund of the municipality.*

COLUMBUS, OHIO, December 14, 1932.

HON. PAUL V. WADDELL, *Prosecuting Attorney, St. Clairsville, Ohio.*

DEAR SIR:—Your recent request for opinion reads:

“What subdivision should pay the expenses of burial of an indigent person who died in a County Tubercular Sanitorium?”

Further, who should pay the expenses of burial of an indigent person who has been treated and cared for in a County Tubercular Sanitorium, but whose death occurred at decedent's own home, after being removed from the sanitorium? In your opinion we would appreciate your statement as to from what fund payment should be made.

In your opinion dated June 2, 1927, you ruled that an indigent person who died in a County Tubercular Sanitorium should be buried and expenses paid in the same manner as if a person died while an in-

mate in the County Home; but it was not stated in the opinion from what fund expenses should be paid. For that reason there has been quite an issue on the question in this county. We would like for you to include in your opinion a statement whether or not the expenses of the burial of an indigent person afflicted with tuberculosis and being given home treatment, but never a patient of the County Sanitorium, should be paid by the township, city or village in which they resided at the time of death."

Section 3495, General Code, reads 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, or 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 residence 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. \* \*"

The opinion to which you refer in your communication, is found in Opinions of the Attorney General for 1927, at page 938, in which it was held as disclosed by the syllabus:

"It is the duty of the board of county commissioners to pay the burial expenses of county charges and where an indigent person, who had been supported in whole or in part by a city, was committed by the proper county officers to a District Tuberculosis Hospital where such person subsequently died, it is the duty of the county commissioners of the proper county to pay the burial expense of such person."

While this opinion had reference to a district tuberculosis hospital it is stated at page 946:

"I see no reason whatever in so far as the burial expenses of county charges are concerned why a distinction should be made between those charges cared for in a County Tuberculosis Hospital or a District Tuberculosis Hospital or the County Home."

In view of the foregoing, and in answer to your first inquiry, I am of the opinion that it is the duty of a board of county commissioners to pay the burial expenses of a county charge committed by proper county officers to a county tuberculosis sanitorium.

In answer to your second inquiry, as to who should pay the expenses of burial of an indigent person who has been treated and cared for in a county

tuberculosis sanatorium, but whose death occurred at decedent's own home it should be noted that Section 3495, General Code, definitely provides for the payment of the burial expenses of a person not an inmate of a charitable institution. It follows therefrom that if a person is not an inmate of a county tuberculosis sanatorium at the time of his death, the burial expenses should be paid by the proper subdivision in which he had a legal residence at the time of his death. See Opinions of the Attorney General for 1921, page 332; for 1927, page 624, and for 1928, at page 1179.

In this respect Section 9984, General Code, relative to the offering of unidentified bodies or bodies which must be buried at the expense of the subdivisions enumerated therein to certain medical authorities for medical, surgical or other purposes, should be noted. If such a body or bodies are so accepted, after such purposes have been served, Section 9986, General Code, provides that burial should be at the expense of the party or parties in whose keeping the corpse or corpses were placed.

Your next inquiry is as to from what particular fund payment for the burial of an inmate of a county tuberculosis sanatorium should be made. In an opinion found in Opinions of the Attorney General for 1922, at page 60, the question was as to whether or not the county commissioners might contract with the managing officers of a municipal workhouse as to the burial of a prisoner sent to the workhouse from the county. The Attorney General said:

"The workhouse authorities are charged with the maintenance of the workhouse and are required to provide food and clothing, etc., for the inmates. In the case of the death of an inmate whose body is not claimed it would seem clear that the burial of such body is necessarily an incidental expense of said institution."

An examination of the county financial report as prescribed by the Bureau of Inspection and Supervision of Public Offices discloses the following headings under "County Tuberculosis Sanatorium": "Salary of Superintendent", "Compensation of Employes", "Maintenance, Construction and Permanent Improvements", "Purchase of Site." From an examination thereof, it would seem clear that the proper appropriation item from which such burial expenses should be paid would be that set aside for the maintenance of such institution.

If the deceased is a resident of a municipality it would seem that the burial expenses should be paid from the general fund. If the deceased is a resident of a township, if there has been a levy for poor relief, then such expenses could properly be paid therefrom; if not, then from the general fund.

In view of the foregoing, and in specific answer to your inquiries I am of the opinion:

1. It is the duty of a board of county commissioners to pay the burial expenses of a charge of the county committed by the proper county officers to a county tuberculosis sanatorium and pay the same from the county tuberculosis sanatorium maintenance appropriation item in the general fund.
2. The expenses of the burial of an indigent person who has been treated or cared for in a county sanatorium and who was afterwards removed from the sanatorium, should be paid by the township, village or city in which such decedent had a legal residence.
3. The burial expenses of an indigent person afflicted with tuberculosis, who was not an inmate of a county tuberculosis sanatorium, but who was given home treatment, should be paid by the township, city or village of his legal residence.

If such person's legal residence was a township, such expenses should be paid from the poor fund if a levy has been made for such purpose—otherwise, from the general fund. If such person's legal residence was in a municipal corporation, then such expenses should be paid from the general fund of the municipality.

Respectfully,

GILBERT BETTMAN,  
*Attorney General.*

4815.

DISSOLUTION OF VILLAGE SCHOOL DISTRICT AND UNION OF SAID DISTRICT WITH CONTIGUOUS RURAL SCHOOL DISTRICT—HOW POPULATION OF VILLAGE SCHOOL DISTRICT DETERMINED—RURAL SCHOOL DISTRICT DOES NOT ASSUME BONDED INDEBTEDNESS OF VILLAGE DISTRICT.

*SYLLABUS:*

1. *Upon the dissolution of a village school district containing a population of less than fifteen hundred, and its union with a contiguous rural school district, in pursuance of Section 4682-1, General Code, there is no right of remonstrance in the rural school district or an inhabitant thereof, and there is no way for the rural school district or its inhabitants to prevent the operation of the statute according to its terms.*

2. *Whether or not a village school district which seeks to dissolve and join with a contiguous school district in pursuance of Section 4682-1, General Code, contains a population of less than fifteen hundred, is a question of fact, to be determined by the interested authorities in any manner satisfactory to them.*

3. *Where a village school district is dissolved and joined to a contiguous rural school district in pursuance of Section 4682-1, General Code, the rural school district to which the village district is joined does not assume any portion of the bonded indebtedness of the village district so joined.*

4. *By reason of the provisions of Section 4689, General Code, and of Section 3514, General Code, the board of education of a village district which is dissolved in pursuance of the provisions of Section 4682-1, General Code, retains its identity for the purpose of collecting moneys due said dissolved school district and for the purpose of paying the debts thereof, and said village school district, although dissolved for other purposes, continues as a separate taxing district, and its board of education as its taxing authority must continue for the purpose only of levying a tax for the payment of such indebtedness as may exist, until such time as said indebtedness will have been paid.*

COLUMBUS, OHIO, December 15, 1932.

HON. CHARLES S. LEASURE, *Prosecuting Attorney, Zanesville, Ohio.*

DEAR SIR:—This will acknowledge receipt of your inquiry wherein you submit for my consideration three questions growing out of the dissolution of a village school district and its joinder with a contiguous rural school district in pursuance of Section 4682-1, General Code. These questions are:

“First: Can the rural district which has been selected by the village district into which the village district shall join upon dissolution, file a