

is no statute or procedure whereby the superintendent of the Longview Hospital can convey or return to the proper authorities of the committing county a person accused of a crime who is restored to reason, so that the accused can be tried as required by Section 13441-2.

However, it must be borne in mind that the discharge of a person from a hospital for the insane, who has been committed thereto before trial by virtue of the provisions of Section 13441-2, by the superintendent of such institution, on the failure of the proper authorities to take the accused into custody is not a bar to the prosecution of that person on the criminal charge pending at the time the accused was committed to a hospital for the insane.

Specifically answering your second question, I am of the opinion that a person committed to Longview Hospital by virtue of the provisions of Section 13441-2, General Code, on being restored to reason, is entitled to his discharge from said hospital by the superintendent of that institution when the proper authorities of the committing county fail or neglect within a reasonable time to take the accused into custody after being notified by the superintendent of that institution that the accused has been restored to reason.

Respectfully,

GILBERT BETTMAN.

Attorney General.

4813

LIGHTING—ASSEMBLY HALLS NEED NO OTHER ILLUMINATION
THAN ELECTRIC CURRENT.

SYLLABUS:

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

COLUMBUS, OHIO, December 14, 1932.

HON. T. A. EDMONDSON, *Director, Department of Industrial Relations, Columbus, Ohio.*

DEAR SIR:—This will acknowledge receipt of a request for my opinion from Edgar W. Brill, Chief of the Division of Factory and Building Inspection in your department, which reads in part as follows:

“Under ‘Theaters and Assembly Halls,’ Section 12600-35 takes up the electrical work and lighting. One paragraph specifies that lights in certain named localities ‘shall remain lighted.’

Under ‘School Buildings,’ Section 12600-67 considers electric lighting and states certain places ‘shall be adequately lighted at all times when the building is occupied after dark.’

It is desired to have your opinion as to what is the meaning or intent of the words ‘remain lighted’ and ‘lighted at all times’ with the accompanying context.

The question has been put up to me. As far as I know, no effort has been made by my predecessor to have provision made against darkness in the specified places on failure of the normal electric current while the building is occupied.”

Section 12600-35, General Code, reads in part:

"All materials and installations shall be in strict accordance with the National Board of Fire Underwriters 1923 National Electric Code.

* * * * *

Every portion of the theater or assembly hall used or occupied by the public including all courts, passageways, corridors, stairways, exits and outlets from the building to streets, alleys or other public ground and necessary means of egress for performers and stage employes shall be adequately lighted during each performance and shall remain lighted until the entire audience has left the premises."

Section 12600-35 provides that buildings containing auditoriums or assembly halls may be lighted by the use of electricity. The illumination necessary to keep certain parts and portions of such buildings "adequately lighted" during each performance and which must "remain lighted" until the entire audience has left the premises is that created by the use of electric current. There is no language in that section which requires that artificial illumination, other than that furnished by the use of electric current, shall be provided in order that there always may be light at such specified parts and portions of such buildings. In order always to have artificial illumination at the required parts and portions of buildings containing auditoriums and assembly halls, it would be necessary that an illuminant or a method of illumination, other than that provided by electric current, be available. The legislature, in the enactment of Section 12600-35, did not provide against an emergency such as would be created by the failure of the electric current or electric lighting system while a performance was being given in a building containing an auditorium or an assembly hall. Thus, the phrases "shall be adequately lighted" and "shall remain lighted" contained in Section 12600-35 cannot be construed as requiring that artificial illumination other than that furnished by electric current shall be available so that the same may be used in case there should be a failure, for any reason, of the electric current.

Section 12600-67, General Code, reads in part as follows:

"An electric lighting system if used shall be installed as follows:

* * * * *

All stairways, corridors, passageways, hallways and other parts of the building used as a means of ingress or egress shall be adequately lighted by artificial light at all times when the building is occupied after dark. Such lights shall be controlled by switches accessible only to those in authority."

The phrase "adequately lighted by artificial light at all times when the building is occupied after dark" has reference to artificial illumination created by the use of electric current. This conclusion finds support by virtue of the fact that the entire section relates to the installation of an electric lighting system. The first sentence of the section reads that "An electric lighting system if used shall be installed" as hereinafter provided. The phrase in question in section 12600-67 does not mean that artificial illumination must be provided for by means other than that of electric current, even though an emergency may arise by reason of either the failure of the electric current or the electric lighting system. In other words, the language of that section does not require the installation of an

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-