

2740.

ABSTRACT, STATUS OF TITLE, WARRANTY DEED AND ENCUMBRANCE ESTIMATE, TWO TRACTS OF REAL ESTATE IN LAUREL TOWNSHIP, HOCKING COUNTY, OHIO. (SOUTHEAST QUARTER OF SECTION 30, TOWNSHIP 12, RANGE 18, AND SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 32, TOWNSHIP 12, RANGE 18.

COLUMBUS, OHIO, Sept. 1, 1925.

HON. EDMUND SECRIST, *State Forester, Wooster, Ohio.*

DEAR SIR:—Examination of an abstract of title, warranty deed and encumbrance estimate submitted by you to this office for our examination and formal opinion, discloses the following:

The abstract as submitted covers the history of the title of two tracts of real estate situated in the township of Laurel, county of Hocking and state of Ohio, being more particularly described as follows:

FIRST TRACT. The southeast quarter of section 30, township 12, range 18, containing 165 acres more or less, except a small tract of about one-fourth of an acre out of the southwest corner thereof, cut off by the road leading to the Rock House, heretofore conveyed by Lewis Paxton to Jacob Calvert, and also excepting a school lot of about one-fourth of an acre conveyed by H. G. and Mary M. Kelch to the board of education of Laurel township.

SECOND TRACT. The southwest quarter of the northwest quarter of section 32, township 12, range 18, Hocking county, Ohio, containing .42 acres more or less.

The abstract as submitted was prepared and certified by Claude W. Pettit, attorney-at-law, Logan, Ohio, under date of July 20, 1925.

Upon examination of the abstract, I am of the opinion same shows a good and merchantable title to the premises under consideration in Elmer O. Pettit and Edwin D. Ricketts, subject to the following exceptions:

Attention is directed to the rights of the Ohio Fuel Supply Company in and under a certain oil and gas lease made by the above named owners and recorded in volume 29, page 477, record of oil and gas leases, Hocking county, Ohio.

Attention is also directed to the rights of way heretofore granted to the Ohio Fuel Supply Company by two certain contracts dated June 16, 1915 and May 29, 1912, respectively, and recorded in volume 26, page 5 and volume 26, page 8, respectively, record of oil and gas leases, Hocking county, Ohio.

Your department should determine for yourselves to what extent the above contracts for pipe line right of way and the oil and gas leases above referred to may interfere with, if at all, the use of the premises.

The certificate of the abstractor shows the taxes for the year 1924 are fully paid and that the taxes for the year 1925 are a lien, but the amount of same is not as yet determined.

The warranty deed as submitted is in proper form, has been already duly executed, and when delivered will be sufficient to transfer the title of the premises under consideration to the state of Ohio.

The encumbrance estimate bearing No. 533, covering the premises under consideration, and in the amount of \$2,065.00, appears to be in proper form, but has not as yet been certified by the director of finance, which certificate must be had before the consummation of this transaction.

Your attention is also directed to the provisions of section 12 of the appropriation bill of the 86th general assembly, which provides that no moneys appropriated for the purchase of real estate shall be expended without the consent and approval of the controlling board. Such approval must be evidenced by a majority vote of the board entered on the minutes. The approval of the controlling board, as above required, must be had and properly evidenced by a transcript of the minutes of the controlling board before this transaction is finally consummated.

I am returning herewith the abstract, warranty deed and encumbrance estimate.

Respectfully,

C. C. CRABBE,
Attorney General.

2741.

PREPARATION OF DEAD HUMAN BODY FOR BURIAL MUST BE MADE
UNDER DIRECTION OF LICENSED EMBALMER.

SYLLABUS:

Under section 1344 G. C. all steps necessary in the preparation of a dead human body for burial, transportation, or cremation must be made under the direction and supervision of a licensed embalmer.

COLUMBUS, OHIO, Sept. 1, 1925.

State Board of Embalming Examiners of Ohio, Columbus, Ohio.

Attention Mr. Glenn L. Myers, Secy.-Treas.

GENTLEMEN:—I am in receipt of your communication as follows:

“Will you kindly furnish this board with an opinion on the word “prepare” as set forth in section 1334 of the General Code wherein it sets forth that no person shall embalm either by arterial or cavity treatment or prepare for burial, etc., unless he or she is a duly licensed embalmer within the meaning of this chapter. It has been the opinion of this board that no one has a right to prepare in any manner a dead human body unless he or she is a licensed embalmer.”

It is presumed that the section mentioned in your communication was meant to refer to section 1344 G. C. of Ohio.

Section 1344 G. C. of Ohio provides as follows:

“No person shall embalm, either by arterial or cavity treatment or prepare for burial, cremation or transportation any dead human body unless he or she is a duly licensed embalmer within the meaning of this chapter. Any person who shall practice in this state the science of embalming, either by arterial or cavity treatment of any dead human body, or prepare for burial, cremation, or transportation any dead human body, without having complied with the provisions of this act, shall be guilty of a misdemeanor, and