

Section 6310-11, General Code, makes it unlawful to sell a used vehicle without possession of all duly executed and filed bills of sale for the benefit of the person receiving or obtaining such "used motor vehicle."

Upon a careful examination of the various sections of the registration act relating to used motor vehicles and especially when considered in connection with the facts stated in your letter, it is apparent that the junk dealer is without authority to deliver the necessary bill of sale to the proposed purchaser.

It is also my opinion that before the junk dealer would be authorized to issue a bill of sale to a purchaser, he should require and receive, from the seller, the old bill of sale or bills of sale, as the case might be.

Respectfully,
EDWARD C. TURNER,
Attorney General.

328.

APPROVAL, BONDS OF VILLAGE OF SHEFFIELD LAKE, LORAIN COUNTY,
OHIO—\$11,250.00.

COLUMBUS, OHIO, April 14, 1927.

Industrial Commission of Ohio, Columbus, Ohio.

329.

APPROVAL, BONDS OF VILLAGE OF DOVER, CUYAHOGA COUNTY,
OHIO—\$7,857.00.

COLUMBUS, OHIO, April 14, 1927.

Retirement Board, State Teachers' Retirement System, Columbus, Ohio.

330.

CORONER—SECTION 1745, GENERAL CODE, CONSTRUED.

SYLLABUS:

The provisions of Section 1745, General Code, to the effect that when the office of coroner becomes vacant by death, resignation, expiration of term or otherwise, or when the coroner is absent from the county or unable from sickness or other causes to discharge the duties of his office, a justice of the peace of the county shall have the powers and duties of the coroner to hold inquests, applies to all counties of the state, without regard to population.

COLUMBUS, OHIO, April 15, 1927.

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

GENTLEMEN:—This will acknowledge receipt of your communication, requesting my opinion in answer to the following question:

"In a county having more than one hundred thousand population may a justice of the peace who is not a licensed physician hold inquests as authorized by Section 1745 G. C.?"

Section 2856-3 reads in part as follows:

"In counties having a population according to the last federal census of 100,000 or more, no person shall be eligible to the office of coroner except a licensed physician of good standing in his profession. * * *"

Section 1745 of the General Code provides:

"When the office of coroner becomes vacant by death, resignation, expiration of the term of office or otherwise, or when the coroner is absent from the county, or unable from sickness or other cause to discharge the duties of his office, a justice of the peace of the county shall have the powers and duties of the coroner to hold inquests. When acting in the capacity of coroner, a justice may receive the fees allowed by law to coroners in such cases."

It should be observed in considering the provisions of the law quoted above, that a justice of the peace when acting as coroner, is not vested with the powers and duties of a coroner generally but only with respect to one of the duties of the coroner, that is, to hold inquests as provided by Section 2856 of the General Code.

By the provisions of Section 2856, supra, no person but a licensed physician in good standing is eligible to the office of coroner in certain counties. Section 1745 of the General Code, supra, does not provide that a justice of the peace shall succeed to the office of the coroner upon the coroner's death, resignation or inability to act in the performance of his duties, but only that the justice of the peace shall act in his stead in the performance of certain duties.

It therefore follows that a justice of the peace may act in the place of the coroner in holding inquests when the coroner is unable to perform such inquests for the reasons set out in Section 1745 of the General Code, supra, and this provision of law is not limited to counties with a population of less than 100,000, but applies to all counties of the state.

Respectfully,

EDWARD C. TURNER,

Attorney General.

331.

APPROVAL, BOND FOR FAITHFUL PERFORMANCE OF DUTIES—OTHO
WALTER MERRELL.

COLUMBUS, OHIO, April 16, 1927.

HON. GEORGE F. SCHLESINGER, *Director, Department of Highways and Public Works,*
Columbus, Ohio.

DEAR SIR:—I acknowledge receipt of your letter of recent date resubmitting for my approval official bond of O. W. Merrell, given by him to qualify as Resident Deputy State Highway Commissioner.

Evidence has been furnished to the satisfaction of this department that "Otho Walter Merrell," whose name is in the body of said bond, and "O. W. Merrell" are