

Upon examination of contract encumbrance record No. 8 covering the purchase of this property, I find that the same has been properly executed and that there is shown thereby a sufficient unencumbered balance in the proper appropriation account to the credit of your department to pay the purchase price of this property, which purchase price is the sum of \$225.00.

It likewise appears from this contract encumbrance record that the Controlling Board has approved the purchase of this property.

Subject to the exceptions above noted, I am approving the title of John Paul and Clara Paul in and to the above described parcel of land and I am likewise approving the warranty deed and the contract encumbrance record above referred to. I am herewith returning to you said certificate of title, warranty deed and contract encumbrance record No. 8.

Respectfully,

JOHN W. BRICKER,  
*Attorney General.*

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6082.

APPROVAL—BONDS OF LUCAS COUNTY, OHIO, \$150,000.00.

COLUMBUS, OHIO, September 16, 1936.

*Industrial Commission of Ohio, Columbus, Ohio.*

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6083.

AUTOPSY—CORONERS FEES DISCUSSED—MEANING OF WORDS "DECOMPOSED OR INFECTED BODIES" DISCUSSED.

*SYLLABUS:*

*Under the provisions of Section 2856-3, General Code, a coroner who performs an autopsy should receive a fee of \$20.00, and where the body is infected or decomposed he should receive a fee of \$40.00. All dead bodies are not infected, nor are they decomposed, within the meaning of that term as used in Section 2856-3, General Code.*

COLUMBUS, OHIO, September 16, 1936.

*Bureau of Inspection and Supervision of Public Office, Columbus, Ohio.*

GENTLEMEN: This will acknowledge receipt of your request for my opinion, which reads as follows:

"Section 2856-3, General Code, contains the provision that for his services in the performance of an autopsy, under Section 2856, General Code, the coroner shall receive a fee of \$20.00, and for decomposed or infected bodies, \$40.00, to be paid from the county treasury in the same manner as other fees of the office.

In a certain county in the state, the coroner contends that every dead body is infected, and charges the maximum fee of \$40.00.

We desire your opinion upon the construction of the above section, as to when a body may be considered to be decomposed or infected."

Section 2856-3, General Code, referred to in your letter, reads 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. For his services in the performance of an autopsy under Section 2956 of the General Code the coroner shall receive a fee of \$20.00 and for decomposed or infected bodies \$40.00 to be paid from the county treasury in the same manner as other fees of the office."

In your letter you state that a certain coroner contends that every time he performs an autopsy he is entitled to the maximum fee of \$40.00. The legislature, however, has determined that two fees should be charged under two different circumstances. Unless it could be contended that the legislature has inserted a vain and ineffective provision in Section 2856-3, supra, the contention of the coroner would be groundless. Clearly, some reason must be attributed to the legislature by the insertion of the provision requiring the payment of two different fees for the performance of autopsies. It is an elementary rule of statutory construction that effect must be given, if possible, to every word, clause and sentence of a statute. See Lewis' Sutherland Statutory Construction, Volume II, page 731.

Webster defines the word "decomposed" as follows: "To become separated into constituents; to decay."

In the case of *Anderson v. United States*, 284 Federal, 542, at page 544, the following is stated:

"'Decomposed' means more than the beginning of decomposition; it means a state of decomposition, and the statute must be given a reasonable construction to carry out and effect the legislative policy or intent."

Clearly, every dead body is not decomposed when the coroner is called to make an autopsy. There may, however, be cases where a body is not discovered for a number of days or weeks and it may be in a state of decomposition. This, of course, will depend upon the facts of each particular case. The time element, as well as numerous other factors, must be considered in determining whether or not a body is decomposed. However, from your letter I infer that it is not seriously contended that every dead body is decomposed but rather that every dead body is infected. The word "infectious" is defined by Webster as follows:

"Having qualities that may taint or communicate disease; an infectious fever; infectious air."

In the case of *Dickey v. Western Tablet Company*, 267 S. W. (Mo.), 431, at page 433, the following appears:

"Whatever the medical understanding of the word 'infection' may be, the layman's understanding of the word is that it is caused by any noxious substance inserted into the flesh, whether the substance be a germ or poison."

In the case of *Wirih v. State*, 22 N. W. (Wis.), 860, the following appears at page 862:

"The words 'infection' and 'contagion' are nearly synonymous, the only difference being, not in the infectuous or contagious matter but in the manner of its communication. 'Infection' is communicated from the sick to the well by a morbid miasma or exhalation diffused in the air. 'Contagion' is communicated by actual contact."

The above citations would cast some doubt upon the contention that all dead bodies are infected. Be that as it may, and without engaging

in an extensive medical discussion with reference to the meaning of the word "infected", it would appear that the legislature did not intend that all dead bodies should be considered as being infected. If the legislature had been of a different mind, it would not have been necessary to have inserted two different fees in Section 2856-3, General Code, supra. No doubt the legislature intended that the fee should be reasonably commensurate with the work and risk involved in making the autopsy.

In your letter you inquire as to when a body is decomposed or infected. As indicated, this is a question of fact rather than one of law and is to be determined from the facts of each particular case. However, it is possible to say, as a matter of law, that every dead body is not decomposed or infected. Where a coroner charges a fee of \$40.00 for the performance of an autopsy, it should be the duty of the coroner to affirmatively show that the autopsy which he performed was on a decomposed or infected body.

In view of the above, it is my opinion, in specific answer to your inquiry, that under the provisions of Section 2856-3, General Code, a coroner who performs an autopsy should receive a fee of \$20.00, and where the body is infected or decomposed he should receive a fee of \$40.00. All dead bodies are not infected, nor are they decomposed, within the meaning of that term as used in Section 2856-3, General Code.

Respectfully,

JOHN W. BRICKER,  
*Attorney General.*

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6084.

APPOINTING AUTHORITY FOR EMPLOYEES OF COUNTY  
BOARDS OF AID FOR THE AGED RESTS IN COUNTY  
BOARD SUBJECT TO CIVIL SERVICE RULES.

*SYLLABUS:*

*By virtue of House Bill No. 605, enacted in the First Special Session of the 91st General Assembly, appointing authority for investigators, clerks and other employees of county boards of aid for the aged is imposed in county boards of aid for the aged, without the necessity of any approval by the Division of Aid for the Aged, but such appointments must be made subject to civil service rules and regulations as provided in Section 1359-16, General Code, as amended.*