

quired by law, and to submit to the Governor of the state his appointment by the county commissioners, and receive from the Governor a commission to fill the office of county treasurer.

In specific answer to your question, therefore, I am of the opinion that in order to become a de jure officer, a person elected or appointed county treasurer must receive a commission for the office, as provided in Section 138 of the General Code.

Respectfully,

GILBERT BETTMAN,

Attorney General.

863.

MUNICIPALITY—COUNCIL MAY PROVIDE FOR AN INVESTIGATOR OF THE POOR UNDER PUBLIC SAFETY DIRECTOR—ELIGIBILITY OF PERSON EMPLOYED BY PRIVATE AGENCY.

SYLLABUS:

1. *Council of a municipality may establish an office for an employe in the office of director of public safety to make investigations of the poor, and the salary or compensation of such employe may be paid out of public funds.*

2. *A person who is employed by a private agency to make investigations of the poor may be employed by a municipality to fill an office established by council to make similar investigation.*

COLUMBUS, OHIO, September 12, 1929.

HON. H. H. GRISWOLD, *Director, Department of Public Welfare, Columbus, Ohio.*

DEAR SIR:—This will acknowledge receipt of your recent communication, which reads as follows:

“Section 3481 of the General Code of Ohio provides in part as follows:

“When complaint is made to the township trustees or to the proper officers of the municipal corporation that a person therein requires public relief or support, one or more of such officers, or some other duly authorized person, shall visit the person needing relief forthwith. * * *

(1) Does this provision authorize the officers of a municipal corporation to employ a person to make this investigation and pay his salary or compensation out of public funds?

(2) If such employment may be made, are the municipal officers authorized to employ for part time a person who is also employed by a private agency for similar work?”

Section 3481, General Code, reads as follows:

“When complaint is made to the township trustees or to the proper officers of the municipal corporation that a person therein requires public relief or support, one or more of such officers, or some other duly authorized person, shall visit the person needing relief, forthwith, to ascertain his name, age, sex, color, nativity, length of residence in the county, previous habits and present condition and in what township and county in this state he is legally settled. The information so ascertained shall be transmitted to the township

clerk, or proper officer of the municipal corporation, and recorded on the proper records. No relief or support shall be given to a person without such visitation or investigation, except that within counties, where there is maintained a public charity organization, or other benevolent association, which investigates and keeps a record of facts relating to persons who receive or apply for relief, the infirmity superintendents, township trustees or officers of a city shall accept such investigation and information and may grant relief upon the approval and recommendation of such organization. Every reasonable effort shall be made by the township trustees and municipal officers to secure aid from relatives and interested organizations before granting relief from public funds."

Section 4368 of the General Code, provides as follows:

"Under the direction of the mayor, the director of public safety shall be the executive head of the police and fire departments. He shall be the chief administrative authority of the charity, correction and building departments. He shall have all powers and duties connected with and incident to the appointment, regulation and government of these departments, except as otherwise provided by law. He shall keep a record of his proceedings, a copy of which certified by him shall be competent evidence in all courts."

Section 4370 of the General Code provides in part:

"The director of public safety shall manage and make all contracts in reference to * * * and all other charitable and reformatory institutions.
* * * *"

Section 4089, General Code, provides as follows:

"The management of the affairs of corporation infirmaries and the care of the inmates thereof, the erection and enlargement of infirmity buildings and additions thereto, the repair and furnishing thereof, the improvement of the grounds therewith connected, and the granting of out-door relief to the poor, shall be vested in the director of public safety."

It can readily be seen by the provisions of the sections herein referred to that the care and relief of the poor has by law been vested in the director of public safety. When complaint is made to the proper officer of a municipality, such officer is directed by law to investigate the conditions of the party for whom the relief is required. Such proper officer, by virtue of the sections quoted above, is the director of public safety.

Your attention is called to the language of Section 3481 of the General Code, which specifically provides that "one or more of such officers, or some other duly authorized person, shall visit the person needing relief." Section 4214, General Code, provides as follows:

"Except as otherwise provided in this title, council, by ordinance or resolution, shall determine the number of officers, clerks and employes in each department of the city government, and shall fix by ordinance or resolution their respective salaries and compensation, and the amount of bonds to be given for each officer, clerk or employe in each department of the government, if any be required. Such bond shall be made by such officer, clerk or employe, with surety subject to the approval of the mayor."

In specific answer to your first inquiry, you are advised that I am of the opinion that council of a municipality may establish an office for an employe in the office of director of public safety to make investigations of the poor, and that the salary or compensation of such employe may be paid out of public funds.

Coming now to consider your second inquiry, inasmuch as I find no statutory inhibition to employ a person who is employed by a private agency to make investigations of the poor, I am of the opinion that such person could be employed by a municipality to fill an office established by council to make similar investigations. If a public charity organization has made an investigation and kept a record of facts relating to persons who receive or apply for relief, and such report is made to the municipality, there is no authority for payment to the charitable organization for such information.

Respectfully,
GILBERT BETTMAN,
Attorney General.

864.

CEMETERY—GROUNDS OUTSIDE MUNICIPALITY ESTABLISHED BY ASSOCIATION OF RELIGIOUS SOCIETY NOW EXTINCT—TOWNSHIP TRUSTEES MAY POSSESS.

SYLLABUS:

Under the provisions of Section 3451 of the General Code, the township trustees may take possession of, and care for cemeteries outside of municipal corporations established by associations or religious societies, when such associations or societies have ceased to exist.

COLUMBUS, OHIO, September 13, 1929.

HON. F. H. BUCKINGHAM, *Prosecuting Attorney, Fremont, Ohio.*

DEAR SIR:—Acknowledgment is made of your recent communication, which reads:

“Under General Code, Section 3471, where there is a public burying ground in a township not under the control of a municipal corporation and the title and control thereof are vested in an association or the trustees thereof, or in a religious society, said cemetery may be conveyed to the trustees of the township and their successors in office, and thereafter said cemeteries are held to be public burying grounds and belonging to such township.

Under General Code, Section 3451, it is provided that the right of possession and control to and in all public graveyards which have been used by the public but not expressly dedicated, or that are not owned or under the care of a religious or benevolent society or an incorporated company or association or under the control of the authorities of any city or village shall be vested in the trustees of the township where located.

In Sandusky County there are several cemeteries which were originally organized as cemetery associations or as a part of some religious organization. Many of these cemetery associations and religious organizations have ceased to exist and the trustees in office have been dead for many years. It