

1. Section 3056 of the General Code, as amended by the 88th General Assembly (113 O. L. 249), which became effective July 21, 1929, is applicable to all municipal and police courts existing in Ohio on the effective date of said act.

2. Said section, as amended, does not repeal special provisions requiring fines and penalties arising under specific laws to be paid into definite and specific treasuries, such as collections of such fines and penalties for violation of the agriculture law, and many other sections. The section does repeal by implication Section 6212-19 of the General Code, relating to the distribution of fines and penalties arising under prohibition laws, to the extent only that five hundred dollars, collected as the county's share, and one thousand dollars, collected as the municipality's share, may be subject to the provisions of Section 3056, General Code.

3. The amount retained by the clerk of a municipal court equal to the compensation allowed by the county commissioners to the judges, clerks and prosecuting attorney of such court in state cases, should be paid into the municipal treasury when the acts establishing such courts require all fines and penalties collected for state and ordinance's cases to be paid to such treasury.

4. In the case of a county, not more than five hundred dollars may be paid in any one year, including the county's share of fines and penalties arising from the prohibition laws.

5. In the case of a municipality, a sum not exceeding one thousand dollars per annum of the municipality's share of fines and penalties collected under the state prohibition laws shall be used with other fines as the basis of computation in determining the distribution to the law library association under the provisions of said act. When the sum of one thousand dollars has been so used as a part of said basis, the collections from the prohibition law may no longer be considered, irrespective of the amount that has actually been placed in the treasury of such association from said source, but such collections must then be eliminated from consideration in determining the amount to be distributed to such association in any year, and the balance of such collections shall be distributed in accordance with the provisions of Section 6212-19 of the General Code.

It is believed it is unnecessary to give more specific answers to the particular questions which you submit.

Respectfully,  
GILBERT BETTMAN,  
*Attorney General.*

930.

DISAPPROVAL, BONDS OF HUNTSBURG TOWNSHIP, GEAUGA  
COUNTY—\$9,500.00.

COLUMBUS, OHIO, September 28, 1929.

Re: Bonds of Huntsburg Township, Geauga County, Ohio, \$9,500.00.

*Industrial Commission of Ohio, Columbus, Ohio.*

GENTLEMEN:—An examination of the transcript relative to the above issue of bonds discloses that these bonds were authorized May 24, 1928, at the time of the authorization of notes. In accordance with the provisions of Section 2293-28, Gen-

eral Code, bonds were advertised for sale, which advertisement set forth the maturities as provided in a resolution of the board of trustees adopted June 10, 1929. The date of first maturity of this issue as so determined and advertised was October 1, 1930. Pursuant to such advertisement these bonds were awarded on July 12, 1929.

Section 2293-12, General Code, provides that when bonds are issued with annual maturities, as in the case here, the first installment shall not mature earlier than the first day of the second September next following the 15th day of July next following the passage of the resolution authorizing the issue of such bonds. This section further provides that the first installment shall mature not later than eleven months after such earliest possible date of maturity. The bonds having been properly authorized May 24, 1928, at the time of the authorization of the notes, it is manifest that the date of earliest maturity may not be earlier than September 1, 1929, nor later than August 1, 1930. As indicated in Opinion No. 861, directed to your commission under date of September 12, 1929, I am of the opinion that in the event the bond resolution were amended so as to change the maturity dates, the issue should be re-advertised pursuant to the provisions of Section 2293-28, General Code.

The transcript is incomplete in other respects in that it should contain certification of assessments levied to the county auditor; offer of notes to the sinking fund trustees and rejection by such body, and evidence of sale; affidavit in proof of publication of notice advertising for bids for the improvement; proceedings of trustees awarding contract pursuant thereto; and certificate of the county auditor acknowledging receipt of resolution awarding the bonds when sold at a different rate of interest than advertised and specified in the advertisement.

These last mentioned matters could, of course, be corrected, but in view of the question of maturities, as hereinabove commented upon, I am compelled to advise you not to purchase these bonds.

Respectfully,

GILBERT BETTMAN,  
*Attorney General.*

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931.

APPROVAL, BONDS OF CLEVELAND CITY SCHOOL DISTRICT, CUYA-HOGA COUNTY—\$25,000.00.

COLUMBUS, OHIO, September 28, 1929.

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

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932.

APPROVAL, BONDS OF MARION TOWNSHIP RURAL SCHOOL DISTRICT, FRANKLIN COUNTY—\$130,000.00.

COLUMBUS, OHIO, September 28, 1929.

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