

he cannot also pay the money over to the law library association. The clerk certainly cannot obey the requirements of both of these sections. If the clerk is controlled by both sections of the statute, the statutes are irreconcilable, and where two statutes are irreconcilable, the latter must prevail. *State ex rel. Guilbert v. Halliday*, 63 O. S., p. 165.

Section 3056, General Code, is a general section applying to all police courts, and while this section has been held to apply to municipal courts where such municipal court succeeds the police court, in this case the municipal court has not replaced a police court, but has replaced a mayor's court.

Section 1579-586 is a special act providing for the municipal court of Piqua and it is a generally well known rule of law that where a special act is in conflict with a general act, the special act will prevail.

In the case of *State of Ohio ex rel. The Cleveland Law Library Association v. Peter J. Henry*, found in 23 O. C. C. (N. S.), 541, it was held:

"1. Where two statutes are irreconcilable the one last enacted must prevail, and where there is a conflict between a general law and a special act the special act will prevail.

"2. Section 3056, General Code, giving to law library associations fines and penalties collected in police courts in certain cases, does not give to such associations the fines and penalties collected in those cases in a municipal court, which has been created by special act, and to which jurisdiction of all cases formerly exercised by police courts has been transferred, where the act creating the municipal court expressly directs the clerk of that court to pay all moneys collected to the city treasurer."

In view of the general rules of law and of the above decision, it is my opinion that the provisions of section 3056, General Code of Ohio, are not applicable to the municipal court of Piqua, Ohio.

Respectfully,

C. C. CRABBE,

Attorney General.

549.

ABSTRACT STATUS OF TITLE, 151.86 ACRES OF LAND,
FRANKLIN COUNTY, OHIO.

COLUMBUS, OHIO, July 2, 1923.

MR. CARL E. STEEB, *Secretary of the Board of Trustees, Ohio State University, Columbus, Ohio.*

DEAR SIR:—You have submitted an abstract certified to by John K. Kennedy, attorney-at-law, on June 20th, 1923, and inquire as to the status of the title to 151.86 acres of land situated in the State of Ohio, County of Franklin and Township of Clinton, more particularly described in said abstract.

After an examination it is the opinion of this department that said abstract shows the title to said premises to be in the name of Anna M. Watterman, subject to the encumbrances hereinafter pointed out.

At section 34 there is shown a judgment in the Court of Common Pleas of Franklin County, a judgment against the said Anna M. Watterman in favor of the Citizens Trust and Savings Bank Company in the sum of \$7,127.33, which is a lien upon the premises. Also at section 35 there is shown a judgment in said court against the same party in favor of The National Bank of Commerce in the sum of \$7,845.00, which would constitute a lien upon the premises. •

Before you should accept a conveyance of these premises and make payment therefor you should make certain that these judgments, including interest and costs, are properly paid and receipted upon the dockets of the court. The taxes for the year 1923 also constitute a lien upon the premises although they are as yet undetermined.

You have further submitted a deed which it is believed is sufficient when properly delivered to convey the interests of the said Anna M. Watterman to the state. Under the terms of this deed the state will be required to pay the taxes for the year 1923.

Also you have submitted an encumbrance estimate which contains the certificate of the Director of Finance to the effect that there are unencumbered balances legally appropriated in the sum of \$100,000.00 for the purposes of said contract.

The encumbrance estimate, deed and abstract are being returned herewith.

Respectfully,

C. C. CRABBE,
Attorney General.

550.

APPROVAL, BONDS OF MARION TOWNSHIP RURAL SCHOOL DISTRICT, MORGAN COUNTY, \$10,000.00, TO IMPROVE CERTAIN BUILDINGS.

COLUMBUS, OHIO, July 2, 1923.

Department of Industrial Relations, Industrial Commission of Ohio, Columbus, Ohio.

551.

APPROVAL, BONDS OF LITCHFIELD TOWNSHIP RURAL SCHOOL DISTRICT, MEDINA COUNTY, \$15,000.00, TO CONSTRUCT AND IMPROVE FIREPROOF SCHOOL BUILDING.

COLUMBUS, OHIO, July 2, 1923.

Department of Industrial Relations, Industrial Commission of Ohio, Columbus, Ohio.