

of the Municipal Court of Marion from paying these fees into the county treasury. Hence, the question of whether the fees are collected by the clerk of the Municipal Court of Marion or by the clerk of courts of the county is immaterial.

It is therefore my opinion, in specific answer to your second question, that the sheriff serving such processes is entitled to the statutory fees for such services which are to be paid into the county treasury."

An examination of Section 1579-798, General Code, quoted above, which is the pertinent section of the Marion Municipal Court Act, clearly shows that it is the same as Section 1579-483, General Code, *supra*, of the Portsmouth Municipal Court Act in so far as it pertains to your question. Consequently, the 1935 opinion affirmed the above quoted principles in the 1933 opinion. Thus, it would seem that where the sheriff serves a warrant directed from the Municipal Court of Portsmouth in a state case, the sheriff would be entitled to the statutory fees when the same are collected, which fees the clerk of the Municipal Court of Portsmouth should pay into the treasury of Scioto County. The same principle would also be true where the sheriff is required to serve subpoenas in state cases.

In view of the above and without extending this discussion, it is my opinion, in specific answer to your inquiry, that the Municipal Court of Portsmouth may require the sheriff of Scioto County to serve warrants where the offense charged is a violation of the laws of the state. The sheriff serving such processes is entitled to the statutory fees for such services, which are to be paid by the clerk of the Municipal Court of Portsmouth, when collected, into the treasury of Scioto County.

Respectfully,

JOHN W. BRICKER,
Attorney General.

5362.

APPROVAL—BONDS OF CITY OF PORTSMOUTH, SCIOTO
COUNTY, OHIO, \$155,700.00.

COLUMBUS, OHIO, April 15, 1936.

Industrial Commission of Ohio, Columbus, Ohio.