

advisable to call your attention to this principle of law applicable in situations of the kind above noted.

Upon examination of the warranty deed tendered to the state of Ohio by said C. C. Belleson, I find that the same has been properly executed and acknowledged by him and by his wife, Lelia Belleson. The form of said deed and the provisions thereof are such that said deed is sufficient to convey to the state of Ohio a fee simple title to the above described property, free and clear of the dower right of said Lelia Belleson as the wife of said C. C. Belleson and free and clear of all incumbrances whatsoever.

Upon examination of encumbrance record No. 793, which has been submitted as a part of the files relating to the purchase of the above described property, I find that the same has been properly executed and approved so far as the same pertains to the validity of the contract for the purchase of said property, and that there is shown thereby sufficient unincumbered balances in the proper appropriation account to pay the purchase price of said property, which is the sum of two thousand two hundred and forty dollars.

It likewise appears from the files submitted that the purchase of the property here under investigation was approved by the board of control under date of August 4, 1930, and that the money necessary to pay the purchase price of this property in the amount above stated was released by said board of control pursuant to the authority conferred upon it by section 11 of House Bill No. 516, enacted by the 88th General Assembly.

I am herewith returning, with my approval, said abstract of title, warranty deed, encumbrance record No. 793, certificate of the controlling board and other files submitted to me in connection with my examination of the title to this property.

Respectfully,

GILBERT BETTMAN,

Attorney General.

2980.

JUSTICE OF THE PEACE—GENERAL CODE REQUIRED TO FULFILL
FUNCTIONS OF OFFICE—STATUTE REQUIRES TOWNSHIP
TRUSTEES TO FURNISH—CONDITIONS NOTED.

SYLLABUS:

Section 3293, General Code, requires township trustees to furnish each justice of the peace within their township such a copy of the General Code as will allow him to fulfill the functions of his office.

COLUMBUS, OHIO, February 24, 1931.

HON. J. D. SEARS, *Prosecuting Attorney, Bucyrus, Ohio.*

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

“Please give me an opinion determining the duty of the township trustees under section 3293 of the General Code wherein it provides:

* * * they (township trustees) shall purchase for the use

of each justice of the peace within their township who is not already supplied, one copy of the revised statutes.”

The first reference to the purchase of copies of the Revised Statutes for the use of justices of the peace is found in an act passed April 5, 1889 (86 O. L. 210), the pertinent part of which read as follows:

“The township trustees are authorized to purchase one copy of the Revised Statutes for their use, and one copy for the use of each justice of the peace within their townships, to be paid out of any unappropriated funds in the township treasury.”

There is no doubt that the Revised Statutes referred to in the above section were those known as the “Revised Statutes of Ohio,” which were prepared and annotated in 1880 by the “Commissioners to Revise and Consolidate the Statutes.” It is interesting to note that the preface of that compilation states that the work “will be known hereafter as the Revised Statutes of Ohio, or, with equal propriety, as the Ohio Code.”

Subsequent changes to the section above cited occurred in 86 O. L. 210 and 88 O. L. 42, but throughout, the term “Revised Statutes” was used, except that the Codifying Commission of 1910 reduced the capital letters to plain type.

To hold that the “Revised Statutes” referred to in the above section compels the purchase of a copy of the Revised Statutes of 1880 would be contrary to reason. Without doubt, a proper interpretation will require the words “Revised Statutes” to be construed as “existing laws.”

It is essential that in the exercise of their office justices of the peace have the latest enactments of the legislature in order to be able to decide cases and controversies which are brought within their jurisdiction. If laws in force and effect are not provided them, the result might be a miscarriage of justice with attendant appeals to other courts at a cost both to the parties to the suit and to the various governmental subdivisions involved.

It is a question of fact to be determined in each particular instance whether or not township trustees are required to purchase a new copy of the General Code for a justice of the peace. Any General Code of Ohio published within a reasonable length of time, brought up to date either by supplements of one of the law publishing companies or by copies of the intervening session laws which the county auditor may furnish without cost under Section 2281, General Code, will suffice to comply with the provisions of Section 3293, General Code.

In specific answer to your inquiry, I am of the opinion that Section 3293, General Code, requires township trustees to furnish each justice of the peace within their township such a copy of the General Code as will allow him to fulfill the functions of his office.

Respectfully,

GILBERT BETTMAN,

Attorney General.