

of this section shall be transferred from the property to the proceeds of the sale of the property. If, however, no one shall be found claiming the team, vehicle, water or air craft, automobile, or other conveyance, the taking of the same, with a description thereof, shall be advertised in some newspaper published in the city or county where taken, or if there is no newspaper published in such city or county, in a newspaper having circulation in the county, once a week for four weeks and by hand bills posted in three public places near the place of seizure, and if no claimant shall appear within ten days after the last publication of the advertisement, the property shall be sold and the proceeds after deducting the expense and costs shall be distributed as hereinbefore provided in case there was a claimant for the said vehicle or conveyance."

It will be observed that this section requires the court "to order a sale by public auction of the property seized." Under the statute the expenses of keeping the property, the fee for seizure and the cost of sale are first payable out of the funds. If there is not a sufficient amount realized, there seems to be no method to pay such costs. The sale proceedings arise in connection with a criminal case, and in the event the costs are not recovered, it is believed they are in the same status as other lost costs.

The statute requiring the court to make such order, the officers undoubtedly are relieved from liability.

It would appear that when the property is exhausted in a given case that the matter ends in so far as recovery is concerned. It would be wholly illegal to deduct such an amount from funds arising from other cases. As to whether or not city council could legally appropriate money to make up such losses is very doubtful. It is a proceeding under a state law. The fact that a municipal court makes such an order would seem in no wise to make it a municipal obligation.

It would therefore follow that there is no legal nor moral obligation on the municipality to make such a payment, and therefore no proper basis for such an appropriation.

Respectfully,
C. C. CRABBE,
Attorney General.

3835.

APPROVAL, BONDS OF SALISBURY TOWNSHIP RURAL SCHOOL DISTRICT, MEIGS COUNTY, \$4,000.00.

COLUMBUS, OHIO, November 23, 1926.

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

3836.

APPROVAL, BONDS OF CITY OF NILES, TRUMBULL COUNTY, \$15,883.51.

COLUMBUS, OHIO, November 23, 1926.

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