

It is my judgment that the committee authorized by the foregoing resolution had power to investigate the financial needs of your Commission for the current biennium and had power to ascertain facts necessary to a proper determination of the amount which should be appropriation therefor, but that except as to such investigation and the ascertainment of such facts, such committee was powerless to conduct any other investigation and in so far as the foregoing resolution relates to other matters, such as conducting investigations for the purpose of determining what revisions, amendments or changes in the laws may be necessary to effect savings of public funds, such resolution was to that extent wholly unauthorized and completely void. As stated by the Supreme Court in the Braden case, *supra*, had the General Assembly "not adhered to the limitation placed upon it by the proclamation, its action in that respect would have been void".

Whatever may be said as to Resolution No. 81, *supra*, having been of some force and effect in so far as it related to the ascertainment of the needs of your Commission in the consideration of the general appropriation act, the general appropriation act has been passed and that matter is not at least *functus officio*. I am advised unofficially that this session of the General Assembly has been prorogued by the Governor until the end of the biennium, December 31, 1938, under authority of Article III, Section 9 of the Constitution.

In specific answer to your question, it is my opinion that the committee authorized by Senate Resolution No. 81 passed by the 92nd General Assembly in special session July 12, 1937, has no power or authority at this time to investigate your Commission.

Respectfully,

HERBERT S. DUFFY,
Attorney General.

979.

APPROVAL—BONDS OF CITY OF CINCINNATI, HAMILTON
COUNTY, OHIO, \$20,000.00.

COLUMBUS, OHIO, August 5, 1937.

The Industrial Commission of Ohio, Columbus, Ohio.

GENTLEMEN :

RE: Bonds of City of Cincinnati, Hamilton County,
Ohio, \$20,000.00.

I have examined the transcript of proceedings relative to the above bonds purchased by you. These bonds comprise part of two issues of bonds dated November 1, 1936, bearing interest at the rate of $3\frac{1}{4}\%$ per annum: (1) Street widening of Columbia Avenue in the aggregate amount of \$475,000 of an authorized aggregate of \$1,000,000; (2) Street widening Cummins Street in the aggregate amount of \$250,000 of an authorized aggregate of \$950,000.

From this examination, in the light of the law under authority of which these bonds have been authorized, I am of the opinion that bonds issued under these proceedings constitute a valid and legal obligation of said city.

Respectfully,

HERBERT S. DUFFY,
Attorney General.

980.

MONEYS COMING INTO HANDS OF PUBLIC OFFICERS—
DISPOSED OF, HOW.

SYLLABUS:

Until otherwise provided for by law, moneys coming into the hands of public officers as the result of forfeited recognizances should be paid into the county treasury to the credit of the general revenue fund.

COLUMBUS, OHIO, August 6, 1937.

HON. HAROLD K. BOSTWICK, *Prosecuting Attorney, Chardon, Ohio.*

DEAR SIR: I have your letter of recent date in which you request my opinion on the following questions:

"A recognizance has become forfeited in a criminal case and of course the recognizance being in favor of the State of Ohio as they all are in State cases, the surety company forwarded a check to me for the full amount of the recognizance and the check was made payable to the State of Ohio.

Now, my question is, who receives this check, how will it be cashed and what is to be done with the money after it is cashed.

Section 13529-1 answered that question, but it was repealed in 113 O. L. 215. The present General Code sections in refer-