

officer of the juvenile court. Where a probation officer is designated as county attendance officer, *only his expenses as attendance officer* is to be paid from the county board of education fund, which is disbursed by the county board of education.

2. The compensation of a probation officer may be increased or decreased at any time by the appointing judge not to exceed the amounts appearing in section 1662 G. C., and such compensation is paid from the county treasury.

Respectfully,

JOHN G. PRICE,

Attorney-General.

2498.

AUTOMOBILES—AMENDED SENATE BILL NO. 3 (109 O. L. 330)—SHERIFF OR CONSTABLE SELLING AUTOMOBILE UNDER COURT ORDER REQUIRED TO GIVE BILL OF SALE.

Under the provisions of Amended Senate Bill No. 3 it is necessary for a sheriff or constable selling an automobile under court order to give a bill of sale.

COLUMBUS, OHIO, October 24, 1921.

HON. ARTHUR W. DOYLE, *Prosecuting Attorney, Akron, Ohio.*

DEAR SIR:—Your letter of recent date received in which you request the opinion of this department as follows:

“Will you please furnish this office with a ruling upon the following question:

Is the sheriff of the county, or a constable, required to give a bill of sale when he sells an automobile on order of the court?”

Your attention is called to the following portions of Amended Senate Bill No. 3:

“The term ‘bill of sale’ as used in this act shall mean the bill of sale or paper of conveyance issued by the corporation, partnership, association, or person, selling, giving away, transferring, conveying or passing title to a motor vehicle or ‘used motor vehicle.’

Section 2. It shall be unlawful to sell, convey, give away, transfer, exchange, receive, purchase or obtain any ‘motor vehicle’ or ‘used motor vehicle’ within this state, except in the manner and subject to the conditions hereinafter provided.

* * * * *

Section 5. Each corporation, partnership, association or person, in all sales, conveyances, transfers, gifts, exchanges of, or transactions in which title to a ‘used motor vehicle’ passes, shall execute in the presence of two witnesses a bill of sale, in duplicate, and deliver the same to the corporation, partnership, association or person purchasing, receiving or obtaining such ‘used motor vehicle,’ at or before such sale, conveyance, transfer, gift, exchange or passage of title; such bill of sale shall contain the name or names and residence or residences of each and every bona fide owner or owners of such used motor vehicle, beginning with the original or first purchaser of such used motor ve-

hicle from the manufacturer or importer, or the direct agent or agents of either, and a record of each subsequent transaction, involving such used motor vehicle, down to the last owner, owners, or transferee from whom the corporation, partnership, association or person selling, conveying, giving away or transferring derived title thereto; the residence or residences, so stated, shall be by city, village, township, county and state, together with the street and number or postoffice address, if any, of such former owner or owners, or, if there be no such addresses, then by such description, designation, or information as may reasonably fix the place or places, residence or residences, of such former owner or owners, or the place where he may be found, with his occupation and place of business or employment, if employed by any other person or persons, and the name of such employer, and shall contain also the date and place and where the ownership of the said motor vehicle by the corporation, partnership, association or person selling, conveying, giving away or transferring the same began, and whether he, acquired title thereto by purchase from such last owner or owners, or in what manner such title was acquired, and a statement of any and all changes and alterations in the finish, design or appearance of the said used motor vehicle which had been made within the knowledge of the person making the statement.

Section 6. Each buyer, purchaser, transferee or person receiving or obtaining a 'used motor vehicle' shall obtain from the owner, vendor, or person conveying or transferring such 'used motor vehicle,' at or before such sale, transfer, conveyance or delivery, the bill of sale in duplicate, as provided for in section 5 of this act and verified as provided for in section 7 of this act."

From a reading of the above quotation, it is readily seen that no exceptions are made where title may transfer without the making of a bill of sale. In fact, it is definitely stated that a bill of sale shall be given and the purchaser shall obtain a bill of sale. Further, section 11 provides that an automobile cannot be operated without a bill of sale being in the possession of the operator.

From these considerations it is apparent that a bill of sale is necessary in all transfers and you are therefore advised that it is necessary that the sheriff or constable selling an automobile under order of court give a bill of sale to the purchaser thereof.

Respectfully,

JOHN G. PRICE,

Attorney-General.