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LAW LIBRARY ASSOCIATION — FUNDS — REALIZED FROM FINES AND PENALTIES—SECTION 3056 ET SEQ., GENERAL CODE—MAY NOT BE EXPENDED TO BUY BINDING, AND TO PRESERVE COUNTY MAPS AND PLATS—USE, TITLE EXAMINATION WORK.

SYLLABUS:

Funds of a law library association that are realized from certain fines and penalties pursuant to Section 3056, et seq., General Code, may not be expended for buying, binding and preserving county maps and plats which are to be kept in such library for the use of persons engaged in title examination work.

Columbus, Ohio, March 20, 1943.

Hon. Forrest E. Sidener, Jr., Prosecuting Attorney,
London, Ohio.

Dear Sir:

Receipt is acknowledged of your request for my opinion, which reads:

“The Madison County, Ohio Law Library Association has requested that I seek your opinion relative to the power of said association to expend a part of its funds for buying, binding and preserving maps and plats of Madison County for use in the Law Library to aid in title work and to furnish a repository for all such maps and plats.”

In considering your inquiry, I am assuming that you have in mind Sections 3056, 3056-1, 3056-2 and 3056-3, General Code, by virtue of which moneys collected from certain fines and penalties shall be paid to the trustees of law library associations. I do not consider it necessary to elaborate upon the provisions of the foregoing sections. However, I quote Section 3056-4, General Code, relating to the purpose for which such moneys shall be disbursed. It provides:

“The money so paid under the foregoing sections of the statute shall be expended in the purchase of *law books* and in *maintenance* of such law library associations.” (Emphasis mine.)

Your inquiry apparently involves the question whether or not maps and plats can be considered “law books”. The wording of the aforementioned statute is clear. There is, therefore, no need to go beyond its

language to determine its meaning. Strictly speaking, Section 3056-4, *supra*, should be interpreted rather than construed. The word "law" appearing therein is definitive and is intended to characterize the type or kind of book that shall be purchased. Its meaning is well understood. And it would seem unnecessary to set forth herein any definition of it or of the word "book".

Manifestly, texts and other publications devoted essentially to those subjects which enable lawyers to advise their clients concerning their rights and responsibilities, and that aid courts in passing upon legal questions, come within the meaning of the term "law books". It would be impossible to adopt any arbitrary definition by which a book could or could not be considered a "law book". The line of demarcation is obviously so fine that fair-minded individuals might readily differ. However, it should be remembered that by virtue of Section 3056-4, *supra*, the General Assembly has confided in law library associations the right to expend public funds for a specific purpose. It is a well established rule that public funds can be disbursed only by clear authority of law and upon compliance with statutory provisions relative thereto. *State, ex rel. v. Bentley & Son*, 96 O. S., 44; *State, ex rel. v. Maharry*, 97 O. S., 272. In the last mentioned case, the first paragraph of the syllabus reads:

"All public property and public moneys, whether in the custody of public officers or otherwise, constitute a public trust fund, and all persons, public or private, are charged by law with the knowledge of that fact. Said trust fund can be disbursed only by clear authority of law."

Can it be said that maps and plats are "law books"? The word "map" is defined in Webster's New International Dictionary as:

"A representation (usually on a flat surface) of the surface of the earth, or of some portion of it, showing the relative size and position, according to some given scale or projection of the parts represented; also, such representation of the celestial sphere, or some part of it."

A "plat" is therein defined as:

"A plan, *map*, or chart; esp., a plan of a town site or the like." (Emphasis mine.)

Since your inquiry concerns maps and plats of Madison County, the above two words might be said to have an interchangeable meaning. Maps or plats are frequently fastened together under one cover or binder for their better preservation and convenient use. Numbers are sometimes as-

signed to each book and page and reference then made thereto, for example, Plat Book 1, page 1. But it does not follow that because such procedure is adopted, and the plats in question are used by lawyers in connection with title examination work, they thereupon become law books.

I note particularly from your letter it is intended the law library shall become a repository for certain maps and plats of Madison County for use in title examination work. However, it would seem the General Assembly has afforded a means whereby records such as you mention may be made available for a person engaged in such pursuit. I call your attention to Section 2766-1, General Code, which reads:

“Whenever the county recorder, county auditor and county treasurer or a majority of them, determine to provide, for the convenience of the various county officials and the more efficient performance of their duties, including the duties prescribed by Section 8572-1 to Section 8572-118, General Code of Ohio, plats, records, abstracts, books, copies of records, abstracts of records, existing or destroyed by fire or otherwise, or other documents or instruments affecting the title of any lands, tenements or hereditaments within the county, they may acquire the same by purchase, lease or rental; when so acquired, the same shall be kept up and maintained in the office of the county recorder or county auditor, as said officials shall determine, and the same shall be at all times subject to the use, examination, and inspection of the public and all officials of the county and the municipalities therein, and of their subordinates.”

Title examiners are required to make extensive use of the records in the office of the county recorder and county auditor. And it is in one of these offices, rather than in a law library, that a person so engaged would normally expect to find maps and plats.

Your inquiry also concerns the right to expend funds for the binding and preserving of maps and plats. The words, “in maintenance of such law library associations”, as used in Section 3056-4, *supra*, certainly comprehend the expenditure of funds for keeping law books, whether presently owned or subsequently acquired, in a proper state of preservation. Binding is, of course, one of the means of preserving a book. It would, therefore, probably not be disputed that the cost of binding a *law book* is a proper expenditure under this last mentioned section. However, your inquiry seems to contemplate the expenditure of money at some future date and after the acquisition of the maps and plats mentioned therein. Having reached the conclusion that the law library association is without authority to buy such maps and plats, it follows that the question of a future expenditure for their preservation need not be further considered.

In specific answer to your question, it is, therefore, my opinion that funds of a law library association that are realized from certain fines and penalties pursuant to Section 3056, et seq., General Code, may not be expended for buying, binding and preserving county maps and plats which are to be kept in such library for the use of persons engaged in title examination work.

Respectfully,

THOMAS J. HERBERT,
Attorney General.