

I am of the opinion therefore, that the sections herein set forth are controlling as to the questions now before me, and that such reduction of capital stock, if approved by you, shall only be made after the same has been authorized by a two-thirds affirmative vote of the shareholders of the corporation.

In specific answer to your inquiry, I am of the opinion that :

1. Where a banking corporation has increased its capital stock, and such increase in the capital stock of the corporation has not been fully paid in within six months from the date when such increase was authorized, the Superintendent of Banks may, within his discretion, approve a reduction of the capital stock, providing however, that such approval shall not be given except upon a finding by him that the security of existing creditors of the corporation will not be impaired.

2. When the Superintendent of Banks has approved the reduction of capital stock of a banking corporation, as provided in Section 710-60 of the General Code, the corporation may reduce such capital stock by an amendment to its articles, as provided in Sections 8623-14 and 8623-15 of the General Code of Ohio. Such amendment may only be adopted by the affirmative vote of two-thirds of the holders of the shares of said corporation.

Respectfully,
GILBERT BETTMAN,
Attorney General.

1385.

APPROVAL, BONDS OF LAKE COUNTY—\$3,413.96.

COLUMBUS, OHIO, January 11, 1930.

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

1386.

APPROVAL, BONDS OF HANNIBAL RURAL SCHOOL DISTRICT, MONROE COUNTY—\$1,600.00.

COLUMBUS, OHIO, January 11, 1930.

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

1387.

SALARIED VILLAGE MARSHAL—DOLLAR FEE AND MILEAGE FOR SERVING WARRANTS OF ARREST—POWER TO RETAIN SUCH FEES FROM STATE CASES—FEES IN ORDINANCE CASES PAYABLE INTO VILLAGE TREASURY.

SYLLABUS:

1. *A salaried village marshal may retain the dollar fee and mileage, as provided by Section 3347, General Code, for serving warrants of arrest, if the criminal case involved is one resulting from a violation of a statute.*