

1849.

MUNICIPAL COURT OF TOLEDO—PROVISIONS OF SECTION 3056 G. C.
APPLICABLE TO FINES COLLECTED IN SAID COURT.

Provisions of section 3056 G. C. are applicable to fines assessed and collected by the municipal court of Toledo.

COLUMBUS, OHIO, February 8, 1921.

Bureau of Inspection and Supervision of Public Offices, Columbus, Ohio.

GENTLEMEN:—Your recent communication is as follows:

“We respectfully request your written opinion upon the following matter:

We refer you to Opinion No. 576 of the Annual Reports of the Attorney-General for 1919.

Question: Does section 3056 G. C. relating to law library association apply in the municipal court of Toledo?”

In connection with your inquiry your attention is invited to an opinion of this department found in the Opinions of the Attorney General for the year 1916, Vol. II, page 1967, in which the following question was considered:

“Are the provisions of section 3056, General Code, relating to the payment of fines, assessed by a police court, to the law library, applicable to the municipal court of Columbus, Ohio?”

The following is quoted from said opinion because of its being applicable to issues raised by your inquiry:

“Section 1558-79 of the General Code, 106 O. L., 375, defining the powers and duties of the clerk of the municipal court of the city of Columbus, provides in part as follows:

* * * He shall pay over to the proper parties all moneys received by him as clerk; he shall receive and collect all costs, fees, fines and penalties, and shall pay the same monthly into the treasury of the city of Columbus, and take a receipt therefor, except as otherwise provided by law; * * *

It will be noted that the foregoing provision specifically recognizes that not all fines collected by the clerk of the municipal court are to be paid into the treasury of the city of Columbus, but any of such fines, the disposition of which is otherwise provided by law, are excepted from said provision.

Said section 1558-79 G. C. further provides with reference to the duties of the clerk of the municipal court of the city of Columbus:

‘He shall succeed to and have all the powers and perform all the duties of police clerks.’

One of the duties of police clerks is found in section 3056 G. C., which provides in part as follows:

‘All fines and penalties assessed and collected by the police court for offenses and misdemeanors prosecuted in the name of the state, except a portion thereof equal to the compensation allowed by the county commissioners to the judges, clerk and prosecuting attorney of such court in state cases shall be retained by the clerk and be paid by him quarterly to the

trustees of such law library association, but the sum so retained and paid by the clerk of said police court to the trustees of such law library association shall in no quarter be less than 15 per cent of the fines and penalties collected in that quarter without deducting the amount of the allowance of the county commissioners to said judges, clerk and prosecutor.'

I am therefore of the opinion that section 3056 G. C. does apply to fines collected by a clerk of the municipal court of the city of Columbus for offenses and misdemeanors prosecuted in the name of the state."

In comparing the municipal court act of Toledo with the Columbus act it will be observed that the provisions relative to the duties of the clerk are substantially the same; in fact, they are identical in so far as your question is concerned. Therefore, the reasoning of the opinion quoted from in reference to the Columbus act is logically just as applicable to the problem presented in reference to the Toledo act.

In the opinion to which you refer, found in Opinions of the Attorney General, 1919, Vol. 1, p. 1026, it was held:

"In police courts, or municipal courts succeeding such police courts, in the absence of specific provision to the contrary, under section 4599 G. C. the fees and costs imposed and collected by the court in state cases go into the county treasury."

It is believed that an analysis of said opinion will disclose that the same reasoning upon which the above determination was based will support the conclusion that the provisions of section 3056 G. C. are applicable to fines assessed and collected in the municipal court of Toledo.

In view of the foregoing your inquiry is answered in the affirmative.

Respectfully,

JOHN G. PRICE,
Attorney-General.

1850.

COUNTY RECORDER—NOT AUTHORIZED TO CHARGE FEES FOR FILING ANNUAL STATEMENTS REQUIRED OF CORPORATIONS UNDER SECTION 8639 G. C.—INDEX OF SUCH STATEMENTS SHOULD BE KEPT.

1. *The county recorder has not been authorized by statute to charge or receive fees for receiving and filing the annual statements required to be filed in his office by corporations under section 8639 G. C.*

2. *Section 8639 G. C. imposes no duty upon the county recorder to record the annual statements filed in his office by corporations subject to its provisions.*

3. *An index of the annual statements filed with the recorder under section 8639 G. C. should be kept, to the end that the public may have easy access to the information therein set forth.*

COLUMBUS, OHIO, February 8, 1921.

HON. EDWARD C. STANTON, *Prosecuting Attorney, Cleveland, Ohio.*

DEAR SIR:—Your letter of recent date inquiring what fees, if any, should be charged by the county recorder for filing the annual statements required to be