

Section 29 has been substantially quoted in your letter and provides that the costs in criminal cases shall be as fixed by law. As to this provision it may be observed in passing that the term "as fixed by law" must be held to mean as otherwise provided by law, as of itself standing alone it would be insufficient to authorize the taxation and collection of costs.

The subject to section 34 is the supersession of police and mayors' courts and courts of justices of the peace of Wayne township. This section also provides that the municipal court "shall have all their *powers and authority*, and all proceedings, judgments * * * subject to the jurisdiction of said police court and the justice of the peace * * * shall be turned over to the municipal court herein created;" Thus it clearly appears that the new court was intended to supplant the former courts referred to and to succeed to their functions and powers to the end that their work may be thereafter performed and carried on by the new court. It may be noted here that no part of the special court act specifically fixes the costs in criminal cases, but it is quite clear that the taxation and collection of such costs was contemplated, and that sections 14719 et seq. (authorizing the election of a police court judge) have been inoperative as to Portsmouth, no such judge having been there elected under these sections.

While the legislative expression here is not as definite as may be desired, yet considering the whole act, the intention seems reasonably clear to authorize the taxation and collection of the same costs fixed in the statutes relating to mayors and justices of the peace. Perhaps attention should be called to House Bill 294 (103 O. L., part 2, page (1203), where certain amendments were made to various fee sections.

Respectfully,

JOHN G. PRICE;
Attorney-General.

1404.

DISAPPROVAL, BONDS OF BAINBRIDGE VILLAGE SCHOOL DISTRICT
IN AMOUNT OF \$20,000.

COLUMBUS, OHIO, July 6, 1920.

Industrial Commission of Ohio, Columbus, Ohio.

Re Bonds of Bainbridge Village school district in the amount of \$20,000 for the purpose of erecting and equipping an addition to the present school building, being 20 bonds of \$1,000 each—6 per cent.

GENTLEMEN:—The transcript for the above bond issue was disapproved by me in opinion No. 1338, rendered June 16, 1920. Since rendering the opinion just referred to, the Industrial Commission has repurchased the issue of bonds and the officer of the Bainbridge Village school district have submitted for my examination a corrected and supplemented transcript.

I have examined this new transcript and am still unable to approve the validity of said bond issue for the reason stated in paragraph one of opinion No. 1338 above referred to.

The transcript still fails to show that the preliminary and jurisdictional findings required by section 7625 G. C. were made by the board of education prior to submitting the question of issuing the bonds to the vote of the electors. No finding was made in the resolution referred to "that for the proper accommodation of the schools of

such district it is necessary to purchase a site or sites to erect a school house or houses to complete a partially built school house, to enlarge, repair or furnish a schoolhouse, or to purchase real estate for playground for children or to do any or all of such things, * * *” Neither was there any determination of the board that “the funds at its disposal or that can be raised under the provisions of sections seventy-six hundred and twenty-nine and seventy-six hundred and thirty, are not sufficient to accomplish the purpose and that a bond issue is necessary, * * *”

The transcript as now submitted does make a showing that the board of education took some action relative to making an estimate of the probable cost of the improvement. It does not, however, make the determinations and findings above referred to, and which in my opinion are jurisdictional steps which must be taken before the board of education is authorized to submit the question of a bond issue to the vote of the electors.

I am therefore of the opinion that the bonds under consideration are not valid and binding obligations of the Bainbridge Village school district and advise the Industrial Commission not to purchase the same.

Respectfully,
JOHN G. PRICE,
Attorney-General

1405.

APPROVAL, BONDS OF RICHLAND COUNTY, OHIO, IN AMOUNT OF \$36,500
FOR ROAD IMPROVEMENTS.

COLUMBUS, OHIO, July 6, 1920.

Industrial Commission of Ohio, Columbus, Ohio.

1406.

APPROVAL, BONDS OF RICHLAND COUNTY, OHIO, IN AMOUNT OF \$40,500
FOR ROAD IMPROVEMENTS.

COLUMBUS, OHIO, July 6, 1920.

The Industrial Commission of Ohio, Columbus, Ohio.

1407.

APPROVAL, BONDS OF RICHLAND COUNTY, OHIO, IN AMOUNT OF \$67,000
FOR ROAD IMPROVEMENTS.

COLUMBUS, OHIO, July 6, 1920.

The Industrial Commission of Ohio, Columbus, Ohio.