

2096.

APPROVAL, BONDS OF BRUSHCREEK TOWNSHIP RURAL SCHOOL DISTRICT, SCIOTO COUNTY, \$23,000.00, SCHOOL IMPROVEMENTS.

COLUMBUS, OHIO, December 19, 1924.

Department of Industrial Relations, Industrial Commission of Ohio, Columbus, Ohio.

2097.

APPROVAL, BONDS OF CITY OF CANTON, STARK COUNTY, \$11,972.31, STREET IMPROVEMENTS.

COLUMBUS, OHIO, December 19, 1924.

Department of Industrial Relations, Industrial Commission of Ohio, Columbus, Ohio.

2098.

WHERE MAYOR ACCEPTS CHECK IN PAYMENT OF FINE AND THEN MAKES SETTLEMENT WITH PROPER TREASURY—HE CANNOT LEGALLY BE REIMBURSED IF SUCH CHECK IS RETURNED "NOT GOOD".

SYLLABUS:

A mayor, accepting a check in payment of a fine and then making settlement with the proper treasury, cannot legally be reimbursed from such treasury if such check is returned "not good", nor can he hold the amount of such check from subsequent settlements.

COLUMBUS, OHIO, December 20, 1924.

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

Gentlemen:—

Acknowledgment is hereby made of your request for opinion, as follows:

"Bureau examiners occasionally find that a mayor, acting in the judicial capacity, accepts a check from a defendant in payment of a fine and costs assessed for violation of a state prohibition or motor vehicle law. The mayor indorses such check and deposits it in a bank to his credit as mayor. He makes settlement with the proper treasuries for all fines collected, including that paid by check. Subsequently such check is returned 'not good.'

"Question 1. Under these conditions may the mayor be legally reimbursed from such proper treasuries for the amount of the check?"