

"In case of such commitment (under the Crabbe act) the county auditor cannot legally discharge such person from the county jail under the provisions of section 2576 G. C."

Section 12694, General Code of Ohio, as far as pertinent, provides:

"Whoever practices medicine or surgery, or any of its branches before obtaining a certificate from the state medical board in the manner required by law, or whoever advertises or announces himself as a practitioner of medicine or surgery, or any of its branches, before obtaining a certificate from the state medical board in the manner required by law; or whoever opens or conducts an office or other place for such practice before obtaining a certificate from the state medical board in the manner required by law; or whoever not being a licensee conducts an office in the name of some person who has a certificate to practice medicine or surgery, or any of its branches; or whoever practices medicine or surgery, or any of its branches, after a certificate has been duly revoked, or, if suspended, during the time of such suspension, shall, for the first offense be fined not less than twenty-five dollars nor more than five hundred dollars, and for each subsequent offense be fined not less than fifty dollars nor more than five hundred dollars, or imprisoned in the county jail or workhouse not less than thirty days nor more than one year, or both."

Section 12699, General Code of Ohio, provides:

"All fines collected under the next five preceding sections shall be paid to the state medical board."

Section 12694 is one of the five preceding sections mentioned in section 12699.

By reference to sections 12694 and 12699, it is apparent that no part of the fine is due the county.

It is therefore my opinion that in case of commitment to jail for failure to pay fine under section 12694, General Code, the county auditor cannot legally discharge such person from jail under the provisions of section 2576 General Code.

Respectfully,

C. C. CRABBE,  
*Attorney-General.*

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1283.

APPROVAL, BONDS OF CLARK COUNTY, \$5,400.00, TO IMPROVE BRIDGES ON I. C. H. NO. 197, SECTIONS "G", "F-H".

COLUMBUS, OHIO, March 19, 1924.

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