money. Thus it continues to perform its important functions until in the course of business it goes back to the bank for redemption and is extinguished by payment.

"It cannot be doubted that the certifying bank intended these consequences, and it is liable accordingly. To hold otherwise would render these important securities only a snare and delusion.

"A bank incurs no greater risk in certifying a check than in giving a certificate of deposit. In well-regulated banks the practice is at once to charge the check to the account of the drawer, to credit it in 'certified check account,' and when the check is paid, to debit that account with the amount. Nothing can be simpler or safer than this process.

"The practice of certifying checks has grown out of the business needs of the country. They enable the holder to keep or convey the amount specified with safety. They enable persons not well acquainted to deal promptly with each other, and they avoid the delay and risks of receiving, counting and passing from hand to hand large sums of money."

In view of the holding in the case of *Blake* vs. *Savings Bank Company, supra,* I do not feel that it is necessary to go into an extended discussion of the question submitted in your communication.

In specific answer to your inquiry, I am of the opinion that a check endorsed "Good when properly indorsed for One Thousand Dollars ($1,000.00). The A. Banking Company by John Jones, Cashier," carries a proper certification under the law.

Respectfully,
GILBERT BETTMAN,
Attorney General.

2148.

MUNICIPALITY—ONE-HALF OF INHERITANCE TAX PROCEEDS EXCEEDING GENERAL BONDED DEBT BUT NOT GENERAL AND SPECIAL ASSESSMENT BONDED DEBT—EXCESS OVER GENERAL BONDED DEBT NOT PAYABLE INTO GENERAL FUND.

SYLLABUS:

Distribution of a municipality's portion of inheritance tax money under Section 5348-11, General Code, discussed.

COLUMBUS, OHIO, July 23, 1930.

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

GENTLEMEN:—Your letter of recent date is as follows.

"Section 5348-11, G. C., provides in part that 50% of the amount of inheritance tax received by a municipal corporation shall be credited to the sinking fund or bond retirement fund, if any, and the residue to the general revenue fund.

Question. When a municipal corporation receives an amount of inheritance taxes, one-half of which is in excess of the total amount of the general bonds outstanding and interest payable thereon, but not in excess of the total general and special assessment bonded debt obligation, may the amount of such excess over the general bonded debt requirement, be paid, together with the remaining one-half of the amount received, into the general fund of the corporation?"

Section 5348-11, General Code, to which you refer, relating to the distribution of inheritance tax money, provides in part:

"Fifty per centum of the gross amount of any taxes levied and paid under the provisions of this subdivision of this chapter shall be for the use of the municipal corporation or township in which the tax originates, and shall be credited, one-half to the sinking or bond retirement fund, if any, of such municipal corporation or township, and the residue to the general revenue fund * * * ."

You present a situation whereby one-half of the amount of inheritance taxes which a corporation receives exceeds the amount of general taxation bonds outstanding, but does not exceed the amount of all bonds outstanding, including assessment bonds. Special assessment bonds are payable out of the bond retirement fund just the same as are general taxation bonds. Section 5625-10, General Code, provides that "all revenue derived from general or special levies for debt charges" shall be paid into the bond retirement fund or into the sinking fund. I think revenue derived from special assessments is revenue derived from "special levies" within the meaning of the term as here used in Section 5625-10. This for the reason that when bonds are issued in anticipation of the collection of special assessments, all such assessments collected must, under Section 2293-24, General Code, be applied to the payment of those bonds and interest thereon.

The bond retirement fund is a fund from which all serial bonds shall be payable without distinction as to whether they are general taxation or special assessment bonds. I do not think, therefore, that there is any more authority for saying that, if there are no general taxation bonds outstanding, there is no bond retirement or sinking fund within the meaning of Section 5348-11, supra, as long as there are special assessment bonds outstanding, than there would be authority for saying that if there are no special assessment bonds outstanding, even though there may be general taxation bonds, there is no bond retirement or sinking fund within the meaning of Section 5348-11, General Code. Special assessment bonds are obligations of the entire subdivision and in the event the assessments, in anticipation of the collection of which such bonds are issued, are not collected, they must be paid by general taxation. Had the Legislature intended to provide that the municipality's portion of inheritance tax money should be paid into the bond retirement or sinking fund to the extent that such fund exists for the purpose of retiring general taxation bonds only, I think it would have said so. I am, therefore, of the opinion that your inquiry should be answered in the negative.

Respectfully,
GILBERT BETTMAN,
Attorney General.