

"The term 'regular election' seems to be used in the same way and to mean the same thing as the term 'general election.'"

Based upon the foregoing discussion and citations, it is the opinion of this department that the "regular election" referred to in Sections 4840 and 4227-2 of the General Code, refers to and means the same thing as the general election held in November in any year.

Respectfully,
C. C. CRABBE,
Attorney General.

1598.

MODEL RURAL SCHOOLS—PAYMENT OF SUBSIDY UNDER SECTION
7654-7 G. C.

COLUMBUS, OHIO, July 2, 1924.

SYLLABUS:

Construing Section 7654-7 G. C., together with the provisions of the biennial appropriation act, as passed by the 85th General Assembly, such section does not authorize payment of the so-called subsidy to the several normal schools for other than model rural schools.

HON. VERNON M. RIEGEL, *Director of Education, Columbus, Ohio.*

Dear Sir:—

Yours of recent date received, in which you submit the following inquiry:

"Section 7654-7 of the General Code provides the payment of a subsidy of \$500 each per year for the maintenance of model rural schools by the state normal schools. The latter part of the section speaks of aid for schools or classes utilized in the practice teaching plan of a state normal.

The schools or classes on behalf of which we have paid a subsidy under this section in the past have always been rural. This year, however, Ohio University makes a claim for this payment toward the maintenance of schools in the city school district of Athens. We are uncertain whether in view of the fact that these are not rural, we have the right to approve them under the above section as schools on which money from this appropriation should be used. We, therefore, ask whether with due accounting for the use of the money and the approval of the plan by the Director of Education money from this fund may be used in the support of city classes which are under the co-operative direction of the state normal college."

The section of the General Code involved in your inquiry, and to which you have already made reference, is section 7654-7, General Code of Ohio, and reads as follows:

"Each of the state normal schools at Athens, Oxford, Bowling Green

and Kent shall be authorized to arrange with boards of education of rural districts to assume the management of one-teacher rural schools, or of rural schools having two or more teachers, or both types of rural schools and to maintain such schools as model rural schools. In no case shall there be more than one of each type of such rural schools established in a rural school district nor more than six model rural schools established by any state normal school. Each state normal school which complies with the provisions of this section subject to the approval of the superintendent of public instruction shall receive five hundred dollars annually from the state for each class room of such model schools when vouchers therefor have been approved by the superintendent of public instruction and each of said normal schools shall also be authorized to arrange with the boards of education of village and city school districts to assume the management of all the schools of the district or districts or such part of them as may be necessary to provide adequate facilities for practice teaching by the students of said normal school and providing the number of rooms for which such appropriation is made does not exceed six for each state normal school."

A careful examination and analysis of this language discloses that the section authorizes the four state normal schools therein mentioned to arrange with boards of education of rural districts to assume the management of certain rural schools and to maintain them as model rural schools, but not more than six such model rural schools shall be established by any normal school.

The section then provides that each state normal school which complies with the provisions of said section shall receive \$500.00 annually from the state for each class room of such model schools when vouchers therefor have been properly approved by the superintendent of public instruction.

The operative language of the section, which reads as follows:

"Each state normal school which complies with the provisions of this section subject to the approval of the superintendent of public instruction shall receive five hundred dollars annually from the state for each class room of such model schools,"

clearly limits the subsidy to model schools. The above provision, taken together with the language of the appropriation act of the 85th General Assembly which shows the following appropriation for the Department of Education under fixed charges and contributions:

"Model Rural Schools,	
First Year-----	\$6,000
Second Year-----	6,000

would leave little doubt as to the construction of the language of section 7654-7 G. C.

While the language of the latter part of the section may give authority to the normal schools therein mentioned to enter into arrangements with village and city districts for practice teaching, it is not believed that the language used is sufficient to authorize payment of the so-called subsidy to village and city districts, and this conclusion is further strengthened by the fact that no appropriation appears in the appropriation act of the 85th General Assembly for such purpose.

Therefore, I am of the opinion that the provisions of section 7654-7 are not

sufficient to authorize payment of the so-called subsidy to the several normal schools for other than model schools.

Respectfully,
C. C. CRABBE,
Attorney General.

1599.

SECURITY FOR FINE—COURT MAY NOT ACCEPT CHATTELS—SECTION 13717 G. C.

SYLLABUS:

Section 13717, General Code, does not permit a court to accept chattels as security for a fine in a criminal case.

COLUMBUS, OHIO, July 3, 1924.

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

Gentlemen:—

This will acknowledge receipt of your letter of June 10th, in which you request my opinion as to whether under Section 13717, General Code, the words "secured to be paid" permit a court to take "watches, rings and other articles of value" as security for fines and costs.

Section 13717, General Code, reads:

"When a fine is the whole or a part of a sentence, the court or magistrate may order that the person sentenced remain imprisoned in jail until such fine and costs are paid or secured to be paid or he is otherwise legally discharged, provided that the person so imprisoned shall receive credit upon such fine and costs at the rate of sixty cents per day for each day's imprisonment."

Section 13718, General Code, is as follows:

"When a magistrate or court renders judgment for a fine, an execution may issue for such judgment and the costs of prosecution, to be levied on the property, or, in default thereof, upon the body of the defendant. The officer holding such writ may arrest such defendant in any county and commit him to the jail of the county in which such writ issued, until such fine and costs are paid, or secured to be paid, or he is otherwise legally discharged."

This section gives an immediate right to levy on defendant's property, such as watches, rings, etc. If the defendant puts up watches, rings, etc., as security for a fine, I fail to see how such fine could be collected from such property, except by levy and sale, in which proceeding defendant could set up his exemptions. I do not believe he waives such rights by merely depositing chattels as security. It would add nothing to the rights the state already has, except that defendant's