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APPROVAL, BOND FOR FAITHFUL PERFORMANCE OF DUTIES—
TRACY S. BRINDLE.

COLUMBUS, OHIO, April 26, 1927.

HON. GEORGE F. SCHLESINGER, *Director, Department of Highways and Public Works, Columbus, Ohio.*

DEAR SIR:—You have resubmitted for my consideration an official bond of Tracy S. Brindle, given in accordance with the requirements of Section 1182 of the General Code, for the faithful performance of his duties as Resident Deputy State Highway Commissioner.

To this bond is attached a certificate of the surety company to the effect that the person signing said bond in behalf of said company is its attorney in fact, and is authorized to sign an official bond of this nature for the amount therein involved, binding upon said company.

There is also attached a certificate from the Department of Commerce, Division of Insurance, to the effect that the surety company signing this bond is authorized to transact its appropriate business of fidelity and surety insurance within this state.

Finding said bond in proper legal form, and properly executed, I have noted my approval thereon, and am returning the same herewith to you.

Respectfully,

EDWARD C. TURNER,
Attorney General.

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DISAPPROVAL, BONDS OF ASHLAND COUNTY, OHIO—\$50,000.00.

COLUMBUS, OHIO, April 26, 1927.

Re: Bonds of Ashland County, \$50,000.00.

Retirement Board, State Teachers' Retirement System, Columbus, Ohio.

GENTLEMEN:—Upon examination of the transcript for the above bond issue it appears that the initial step in the proceedings was had by the passage of the resolution of the county commissioners, dated January 25, 1926, purporting to be an agreement executed on behalf of the county to participate in the proposed maintenance and repair work upon certain roads to be undertaken by the Department of Highways and Public Works. This resolution is adopted pursuant to authority contained in Section 1224 of the General Code.

Section 1224 of the Code is applicable to cases in which the Director of Highways and Public Works, on his own initiative, undertakes the maintenance of main market roads and inter-county highways. By the terms of that section it is expressly provided that the assessment against all abutting property owners is limited to ten per cent of the cost and expense of such repair. The subsequent steps taken appear to be inconsistent with the provisions of Section 1224 in that the property owners are assessed fifteen per cent of the cost. This would be authorized under an apportionment pursuant to Section 1214 of the Code, where proper application has been made by the county commissioners for state aid. Inquiry develops the fact, however, that

no such application was made and that the improvement comes within the terms of Section 1224, General Code.

I am of the opinion that any proceedings had under Section 1224 of the Code cannot provide for an assessment in a greater amount than ten per cent; for this reason, the present assessment being fifteen per cent in each instance, the bonds must be rejected.

Respectfully,
EDWARD C TURNER,
Attorney General.

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JUSTICES OF THE PEACE—JURISDICTION IN CASES INVOLVING
CLASSES OF OFFENSES ENUMERATED IN SECTION 13423, GEN-
ERAL CODE—JURISDICTION IN STATE BOARD OF PHARMACY
CASES—TUMEY CASE DISCUSSED.

SYLLABUS:

1. *Justices of the peace have final jurisdiction in cases involving those classes of offenses enumerated in Section 13423, General Code, except where a felony is charged.*

2. *In cases involving violations of Sections 12705, 12706 and 12710, General Code where it is the duty of the State Board of Pharmacy to cause such sections to be enforced if no security for costs be demanded from complainant under the provisions of Section 13499, General Code, and the defendant raises seasonable objection to the qualification of the justice of the peace because of his direct, substantial, pecuniary interest in the outcome such objection should be sustained and the complaint withdrawn and filed in a proper court where such disqualification does not exist. If, as provided in Section 13499, General Code, the costs are secured, no such interest exists and therefore such an objection may be properly overruled and final judgment rendered.*

3. *Since crimes defined by Section 12709, General Code, are felonies and since the recent decision of the Supreme Court of the United States in the case of Tumey vs. State of Ohio, decided March 7, 1927, and reported in the Ohio Law Bulletin and Reporter, Vol. XXV, March 14, 1927, does not affect the jurisdiction of justices of the peace to act as examining magistrates, the jurisdiction of a justice of the peace over the crimes denounced in said section is not affected.*

COLUMBUS, OHIO, April 27, 1927.

HON. W. N. FORD, *Secretary, State Board of Pharmacy, Columbus, Ohio.*

DEAR SIR:—I am in receipt of your letter of March 21st, which reads as follows:

“Since the ruling of the Supreme Court concerning the jurisdiction of Justices of the Peace we have been confronted with the statement that a Justice of the Peace does not have jurisdiction in pharmacy cases.

You will note that Section 13423, of the General Code of Ohio, provides that the Justice of the Peace shall have jurisdiction in pharmacy cases.”

Section 1313, General Code, provides that:

“The state board of pharmacy shall enforce, or cause to be enforced, the laws relating to the practice of pharmacy. If it has information that any provision of the law has been violated, it shall investigate the matter, and