

It does not appear that the former opinion of this department referred to in your communication involved a consideration of the questions here presented, which are I believe, sufficiently answered by what I have said above.

Respectfully,

GILBERT BETTMAN,
Attorney General.

928.

APPROVAL, BONDS OF CITY OF MARIETTA, WASHINGTON COUNTY—
\$55,000.00.

COLUMBUS, OHIO, September 27, 1929.

Industrial Commission of Ohio, Columbus, Ohio.

929.

SENATE BILL NO. 146—DISPOSITION OF FINES AND PENALTIES COLLECTED BY POLICE AND MUNICIPAL COURTS—IMPLIED REPEAL OF CODE SECTIONS—WHEN MONIES RETAINED BY MUNICIPAL COURT CLERK PAID INTO TREASURY—LIMITATION OF AMOUNTS PAYABLE TO LAW LIBRARY ASSOCIATION.

SYLLABUS:

1. *Section 3056 of the General Code, as amended by the 88th General Assembly (113 O. L. 249), which became effective July 21, 1929, is applicable to all municipal and police courts existing in Ohio on the effective date of said act.*

2. *Said section, as amended, does not repeal special provisions requiring fines and penalties arising under specific laws to be paid into definite and specific treasuries, such as collections of such fines and penalties for violation of the agriculture law, and many other sections. The section does repeal by implication Section 6212-19 of the General Code, relating to the distribution of fines and penalties arising under prohibition laws, to the extent only that five hundred dollars, collected as the county's share, and one thousand dollars collected as the municipality's share, may be subject to the provisions of Section 3056, General Code.*

3. *The amount retained by the clerk of a municipal court equal to the compensation allowed by the county commissioners to the judges, clerks and prosecuting attorney of such court in state cases, should be paid into the municipal treasury when the acts establishing such courts require all fines and penalties collected for state and ordinance's cases to be paid to such treasury.*

4. *In the case of a county, not more than five hundred dollars may be paid in any one year, including the county's share of fines and penalties arising from the prohibition laws.*