

It is accordingly my opinion that these bonds constitute a valid and legal obligation of said school district.

Respectfully,

HERBERT S. DUFFY,
Attorney General.

1206.

APPROVAL—LEASE OF OFFICE SPACE BY THE AUDITORIUM CORPORATION OF CLEVELAND, OHIO, FOR USE BY THE UNEMPLOYMENT COMPENSATION COMMISSION OF OHIO.

COLUMBUS, OHIO, September 20, 1937.

HON. CARL G. WAHL, *Director, Department of Public Works,*
Columbus, Ohio.

DEAR SIR: You have submitted for my examination and approval a certain lease executed by The Auditorium Corporation of Cleveland, Ohio, in and by which there are leased and demised to the state of Ohio, acting through you as Director of the Department of Public Works, certain premises for the use of the Unemployment Compensation Commission of the state of Ohio.

By this lease, which is one for a term of one year commencing on the first day of August, 1937, and ending on the thirty-first day of July, 1938, and which provides for an annual rental of \$900.00, payable in monthly installments of \$75.00 each, there is leased and demised to the state for the use of the Unemployment Compensation Commission office unit No. 506 located on the fifth floor of The Auditorium Building at 1367 East Sixth Street, Cleveland, Ohio. The approximate area of said office unit No. 506 is 604 square feet.

This lease has been properly executed by The Auditorium Corporation, the lessor, by the hand of its Assistant Treasurer. I likewise find that this lease and the provisions thereof are in proper form.

Accompanying this lease are contract encumbrance records Nos. 5 and 9. These contract encumbrance records have been properly executed and taken together they cover the full amount of the monthly rentals provided for under this lease for the months of August and September, 1937, amounting in the aggregate to the sum of \$150.00. I am of the opinion that these contract encumbrance records are a

compliance with the provisions of section 2288-2, General Code, and upon the considerations above noted this lease is hereby approved and the same returned to you.

Respectfully,

HERBERT S. DUFFY,
Attorney General.

1207.

JURORS — WITNESSES — FEES — WHERE STATE CASES TRIED IN CITY POLICE COURT—WHERE BY RULE OF COURT JURORS LIMITED TO ELECTORS OF CITY—FEES PAID FROM COUNTY TREASURY.

SYLLABUS:

The fees of jurors and witnesses in state cases which are tried in a city police court, where by rule of court the jurors are limited to electors of the city, must be paid from the county treasury as provided in Sections 4579 and 4580, General Code.

COLUMBUS, OHIO, September 20, 1937.

HON. WILLIAM M. SUMMERS, *Prosecuting Attorney, Marietta, Ohio.*

DEAR SIR: This is to acknowledge the receipt of your recent communication requesting an opinion in regard to the following facts:

* * * * *

Is a county obligated under the law to pay the fees of witnesses and jurors in a state case tried in Police Court where by rule of Court the jury panel is drawn entirely within a municipal corporation involved?

* * * * *

It is a matter of practice of the Police Court in Marietta to prosecute under a City ordinance in uncontested cases and where a fine is to be paid by the Defendant. In contested cases where a jury is demanded and in cases where a jail sentence seems probable, prosecution is made under a state case. It is obvious from these facts that the county is receiving no benefit financially from the payment of fines in the Marietta Police Court and my County Auditor is reluctant, therefore, to allow the payment of fees of witnesses and jurors out of county money, particularly where by rule of Court residents