

493.

SYNOPSIS—PROPOSED REFERENDUM OF AMENDED SENATE BILL  
NO. 72, MR. MARSHALL.

COLUMBUS, OHIO, May 14, 1927.

HON. GEORGE H. BENDER, 13038 *Cedar Road, Cleveland Heights, Ohio.*

MY DEAR SENATOR:—This will acknowledge receipt of your proposed synopsis to Amended Senate Bill No. 72, upon which you state you are about to circulate referendum petitions, and wherein you request my certification thereto as provided in Section 5175-29e of the General Code.

You also state that if you have omitted anything you would like to be advised inasmuch as your time for circulating the petitions is limited.

I have examined your proposed synopsis very carefully and cannot make the certification thereto required by the above mentioned section, for the reason that it contains statements which are not found in the Act and other statements which are not complete enough to constitute a wholly "truthful statement" as provided in said section.

In order to facilitate the matter and save you as much time as possible I have taken the liberty to prepare a synopsis to which I have certified, and if satisfactory you may use it in connection with your proposed referendum petitions.

Said synopsis is as follows:

"The purpose of this act is to amend Sections 1746 and 3347 of the General Code, which relate to fees of justices of the peace and constables, and to enact a supplemental Section 1746-3, to provide for the compensation of justices of the peace, mayors, constables and marshals in state criminal cases in which justices of the peace and mayors have final jurisdiction.

The contents of the act by amending Section 1746, make the present law relative to taxing costs for the services rendered by justices of the peace, applicable to mayors.

The amendment to Section 3347 provides that the fees now charged by constables for services rendered shall be applicable to the same services rendered by special constables, marshals and deputy marshals. It also provides for the necessary assistants and fixes their compensation at three dollars and provides that not more than four different persons shall be so appointed in any one month.

The supplemental section makes it the duty of the justice of the peace or mayor to collect all the fees provided for in said amended Sections 1746 and 3347 of the General Code, in state criminal cases in which such officer has final jurisdiction, from the judgment debtor, and pay the same into the treasury of the county to the credit of the county general fund.

It defines 'judgment debtor' to be either the defendant or the State of Ohio.

It further provides that the magistrate shall file an itemized statement of all said fees taxed as costs and collected by him in such cases at the beginning of each calendar month.

It also provides that the county treasurer, on the order of the county auditor, shall pay from the general fund to the magistrate and other officers named in his statement an amount equal to the total sum of fees

earned by such magistrate or other officer, and provides that the mayor or justice of the peace shall not receive more than \$250 per month, and that the constable or marshal shall not receive more than \$175 per month and that a special constable or deputy marshal shall not receive more than \$150 per month, and that the compensation so provided shall prevent an allowance to be made to such officers for fees as provided in Section 3019 of the General Code."

A certified synopsis is herewith enclosed.

Trusting that this will be satisfactory, I remain

Respectfully,

EDWARD C. TURNER,

*Attorney General.*

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### SYNOPSIS OF AMENDED SENATE BILL NO. 72.

(Approved Copy)

The purpose of this act is to amend Sections 1746 and 3347 of the General Code, which relate to fees of justices of the peace and constables, and to enact supplemental Section 1746-3, to provide for the compensation of justices of the peace, mayors, constables and marshals in state criminal cases in which justices of the peace and mayors have final jurisdiction.

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It defines "judgment debtor" to be either the defendant or the State of Ohio. It further provides that the magistrate shall file an itemized statement of all said fees taxed as costs and collected by him in such cases at the beginning of each calendar month.

It also provides that the county treasurer, on the order of the county auditor, shall pay from the general fund to the magistrate and other officers named in his statement an amount equal to the total sum of fees earned by such magistrate or other officer, and provides that the mayor or justice of the peace shall not receive more than \$250 per month, and that the constable or marshal shall not receive more than \$175 per month and that a special constable or deputy marshal shall not receive more than \$150 per month, and that the compensation so provided shall prevent an allowance to be made to such officers for fees as provided in Section 3019 of the General Code.

I hereby certify that the above synopsis is a truthful statement of the contents and purpose of Amended Senate Bill No. 72.

Respectfully,

EDWARD C. TURNER,

*Attorney General.*