

will be observed that the plural is used in mentioning the judges, whereas, of course, the clerk and prosecuting attorney is in the singular, which clearly indicates that the legislature had in mind that more than one judge would be included in said allowance. The section otherwise provides that not less than fifteen per cent (15%) of the fines and penalties collected shall be paid to the Law Library Association without deducting the amount of the allowance of the county commissioners to said judges. It follows therefore that there always will be some amount that will be turned over to the Library Association in the event that any fines are collected.

Considering Section 3056, General Code, as a whole, it is my opinion that it was the intention of the legislature in the enactment thereof that all of the allowances made by the county commissioners as salary to the judges, clerk and prosecuting attorney should be deducted before determining the amount due the Library Association, except the minimum of fifteen per cent (15%) hereinbefore mentioned.

I realize that there may be situations such as you describe which result in some hardships to certain library associations by reason of the peculiar facts, but it is believed that the remedy for such evils, if it is evil, is properly in the hands of the legislature.

In view of the foregoing and in specific answer to your inquiry, it is my opinion that in view of the provisions of Sections 1579-501 and 3056 of the General Code it is necessary to deduct the total amount of the allowance to all of the judges, clerk and prosecuting attorney in determining the amount to be distributed to the Law Library Association, excepting the minimum of fifteen per cent (15%) which is to be distributed to the Library Association without making such deduction. The character of the cases being tried by such judges has no bearing upon the question. In view of the conclusion I have hereinbefore reached it is believed unnecessary to make more specific answer to the inquiries propounded.

Respectfully,

GILBERT BETTMAN,

Attorney General.

2110.

APPROVAL, BONDS OF VILLAGE OF POWHATAN POINT, BELMONT COUNTY, OHIO—\$15,097.70.

COLUMBUS, OHIO, July 19, 1930.

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

2111.

LEGAL COUNSEL—BOARD OF EDUCATION AND COUNTY COMMISSIONERS MAY NOT HIRE OUTSIDE COUNSEL FOR AID IN PREPARATION OF BOND TRANSCRIPT—EXCEPTION NOTED.

SYLLABUS:

1. *Under the provisions of Section 4761, General Code, the prosecuting attorney is the legal adviser of all boards of education of his county except city boards of education, and as such it is his duty to render such legal advice as may be requested*