

"Loans on collateral enumerated in clauses (i), (j) and (k) of Section 111 (G. C. 710-111) of this act, shall not exceed eighty per cent of the value of such collateral."

The use of the word "collateral" here may lead to some confusion, but I think the meaning fairly plain. Where personal loans are made to customers by banks upon the securities named in clauses (i), (j) and (k) of Section 710-111 as collateral, the loan cannot exceed 80% of the value of the collateral put up by the customer. The collateral may include mortgage bonds, etc., or bonds or notes secured by mortgage as defined in paragraph (k). The use of the word "collateral" here is not to be confused with the collateral referred to in paragraph (i) of Section 710-111 when it speaks of collateral trust bonds. In other words, the last sentence of Section 710-112 does not in any way affect the right of investment set forth in Section 710-111 of the General Code.

Respectfully,
EDWARD C. TURNER,
Attorney General.

923.

COUNTY COMMISSIONERS—HAVE NO AUTHORITY TO ESTABLISH
IN THEIR COUNTY BUREAU FOR CRIMINAL IDENTIFICATION—
SHERIFF MAY ESTABLISH SUCH A BUREAU IN CONNECTION
WITH THE STATE BUREAU.

SYLLABUS:

1. *The county commissioners have no authority to establish a bureau for criminal identification within their county.*
2. *The sheriff may, under the authority of 1841-21, establish such a bureau in connection with the state bureau of criminal identification and investigation.*

COLUMBUS, OHIO, August 29, 1927.

HON. G. C. SHEFFLER, *Prosecuting Attorney, Fremont, Ohio.*

DEAR SIR:—Permit me to acknowledge receipt of your request for my opinion as follows:

"I wrote you a letter on August 1, 1927, concerning the establishment of a Criminal Identification Bureau at Fremont, Sandusky county, Ohio. In my letter of August 1st, I told you that we had a competent finger print man, and that the county commissioners were eager to establish a criminal identification bureau and employ him by the year.

On August 2nd, you made answer to my letter and referred me to Sections 3004, 3004-1, 1841-13 up to 1841-21. I am familiar with all these sections, but none hit the point.

What I want to know is: 'Can the county commissioners establish a criminal identification bureau and appoint a man herein in the city of Fremont, Ohio?'

Section 1841-13 refers to our state criminal identification bureau, and is not in point with what I want to know.

I wish you would look at my letter and your answer of August 2nd. The commissioners are desirous of learning if possible if they can establish this bureau, and I wish you would give me an opinion as soon as possible."

The act creating the bureau of criminal identification is found in section 1841-13 to section 1841-21, both inclusive, General Code. These sections provide that the sheriff and other law officers shall furnish the state bureau with all the information and finger prints relative to the identification of those who are arrested for felonies, and of those who are arrested for misdemeanors, if the officers have reason to believe that such persons are old offenders.

The act provides for the appointment of a superintendent of the state bureau by the Director of Public Welfare.

Section 1841-21, General Code, reads as follows:

"It shall be the duty of the superintendent to afford assistance and, when practicable, instruction to sheriffs, chiefs of police and other law officers in the establishment of efficient local bureaus of identification in their districts and in making them proficient in procuring finger print records."

It is, therefore, apparent that the matter of obtaining information relative to the identification of criminals is a duty to be performed by the sheriff and not the county commissioners. If a county bureau is to be established for the purpose of such identification, it must be done by the sheriff, as provided in Section 1841-21, *supra*. He may be assisted in establishing such a bureau by the superintendent of the state bureau.

The authority of the sheriff to appoint deputies and assistants to enable him to carry out the duties imposed upon him by law is found in Section 2830, General Code, which permits him to appoint deputies, and Section 2981, General Code, which provides that he may "appoint and employ necessary deputies, assistants, clerks, book-keepers or other employes for his office. This last section is a general section which gives the authority mentioned herein to all of the county officers." Of course, the authority to employ and fix salaries, as provided in said section is subject to the appropriations to be made for that purpose by the county commissioners, as provided by law.

It is, therefore, my opinion that:

1. The county commissioners have no authority to establish a bureau for criminal identification within their county.
2. The sheriff may, under the authority of Section 1841-21, General Code, establish such a bureau in connection with the state bureau of criminal identification and investigation.

Respectfully,
EDWARD C. TURNER,
Attorney General.