

to the year 1911, such fund shall be proportioned to the part of the year remaining after this act shall have become a law."

The limitation upon use of this fund is a matter which has been often before this office. Strict construction has been the rule in interpreting the phrase "not otherwise provided for." Accordingly it has been held that compensation for assistants, clerks and stenographers used by the prosecuting attorney cannot come out of this fund as such compensation is otherwise provided for in various sections of the General Code. (1933 O. A. G., Vol. II, page 1142).

In an opinion of the Attorney General for 1928, Vol. I, page 384, the following discussion on General Code, 3004 appears:

"Section 3004, supra, provides a fund different and in addition to all other funds to be used by the prosecuting attorney for expenses incurred by him in the performance of his official duties and in the furtherance of justice, the expenses therefor not being otherwise provided for by law."

Other opinions sustaining and applying such construction may be found in 1919 O.A.C., Vol I, page 597, 1917 O.A.G., Vol. I, page 478, 1916 O. A. G., Vol. I, page 118.

In view of these facts it is my opinion that a stenographer called into the grand jury at the request of the prosecuting attorney to make up a transcript is to be paid from the county treasury as provided for in General Code Sections 1547 and 1550, and not from the special fund allowed the prosecutor under General Code 3004.

Yours truly,

HERBERT S. DUFFY,
Attorney General.

768.

APPROVAL, BONDS OF CITY OF PORTSMOUTH, SCIOTO
COUNTY, OHIO—\$5,000.00.

COLUMBUS, OHIO, June 23, 1937.

State Employes Retirement Board, Columbus, Ohio.

GENTLEMEN :

RE: Bonds of City of Portsmouth, Scioto County, Ohio,
\$5,000.00.

I have examined the transcript of proceedings relative to the above bonds purchased by you. These bonds comprise part of an issue of refunding bonds in the aggregate amount of \$133,000, dated October 1, 1934, bearing interest at the rate of 6% per annum.

From this examination, in the light of the law under authority of which these bonds have been authorized, I am of the opinion that bonds issued under these proceedings constitute a valid and legal obligation of said city.

Respectfully,

HERBERT S. DUFFY,
Attorney General.

769.

APPROVAL—BONDS OF CITY OF BEDFORD, CUYAHOGA COUNTY, OHIO, \$15,000.00 (Series 3A limited; Series 3B unlimited).

COLUMBUS, OHIO, June 23, 1937.

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

GENTLEMEN :

RE: Bonds of City of Bedford, Cuyahoga County, Ohio,
\$15,000.00 (Series 3A Limited; Series 3B Unlimited.)

I have examined the transcript relative to the above bonds purchased by you. These bonds comprise part of two issues of refunding bonds of the above city, being Series 3A in the aggregate amount of \$8,000 and Series 3B in the aggregate amount of \$15,000, dated April 1, 1936, bearing interest at the rate of 4% per annum.

From this examination, in the light of the law under authority of which these bonds have been authorized, I am of the opinion that bonds issued under these proceedings constitute a valid and legal obligation of said city.

Respectfully,

HERBERT S. DUFFY,
Attorney General.