

1086.

MUNICIPAL COURT OF AKRON—JUDGE OF SAID COURT AUTHORIZED
TO SOLEMNIZE MARRIAGES.

Under the powers granted in the act establishing the municipal court of Akron (108 O. L. 515), a municipal judge of said city is authorized to solemnize marriages.

COLUMBUS, OHIO, March 17, 1920.

HON. L. D. SLUSSER, *Probate Judge, Akron, Ohio.*

DEAR SIR:—Your communication of recent date reads as follows:

“The 1918 session of the legislature by act created the municipal court of the city of Akron.

The question arises whether the municipal judges of said court have the right to perform marriage ceremonies. I am informed that there is some difference of opinion, but from the reading of the law giving them the same powers that were formerly given the justices of the peace, it appeared to me they had this authority.

Since the question has been raised, kindly give me your opinion in this matter.”

Section 11182 G. C. provides as follows:

“An ordained or licensed minister of any religious society or congregation within this state, who has obtained a license for that purpose, as hereinafter provided, or a justice of the peace in his county, or the mayor of a city or village in any county in which such city or village wholly or partly lies, or the superintendent of the institution for the deaf and dumb, or the several religious societies, agreeably to the rules and regulations of their respective churches, may join together as husband and wife all persons not prohibited by law.”

Section 10224 G. C. provides:

“Justices of the peace within and co-extensive with their respective counties shall have jurisdiction and authority:

1. * * *
2. * * *
3. To solemnize marriages;”

The act creating the municipal court of Akron, found in 108 O. L. 515, was filed in the office of the secretary of state June 6, 1919, and did not become operative until January 1, 1920. The sections of this act pertinent to the question herein considered are as follows:

“Section 10 (1579-506 G. C.) The court shall have and exercise original jurisdiction within the limits of the city of Akron as follows:

1. In all actions and proceedings of which justices of the peace have or may be given jurisdiction

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“Section 11. (1579-507 G. C.) The judges shall take acknowledgments of deeds and other instruments, administer oaths, and exercise any other power that now is or that may hereafter be conferred upon justices of the peace.”

"Section 52. (1579-548 G. C.) The municipal court shall be the successor of the police court of the city of Akron and of the justices of the peace of Akron township, Summit county. * * *"

"Section 53. (1579-549 G. C.) On and after the first day of January, 1920, the offices of judge and clerk of the police court of the city of Akron and the offices of justice of the peace, constable and clerk of the justices courts of Akron township, Summit county, shall be and the same are hereby abolished."

From the foregoing it seems clear that it was the intention of the legislature in the enactment of this act to confer upon the municipal court of the city of Akron all of the powers that were heretofore exercised by justices of the peace and inasmuch as sections 11182 and 10224, supra, specifically authorize justices of the peace to solemnize marriages, the conclusion is irresistible that the same power was conferred upon the judges of the municipal court. The fact that the justice of the peace had exercised this power and that this enactment abolished his office in that township is further evidence that it must have been the intent of the legislature to confer similar power upon the magistrate succeeding said justice of the peace.

Respectfully,

JOHN G. PRICE,
Attorney-General.

1087.

APPROVAL, BONDS OF WILLOUGHBY RURAL SCHOOL DISTRICT IN AMOUNT OF \$15,000 FOR SCHOOL PURPOSES.

COLUMBUS, OHIO, March 19, 1920.

Industrial Commission of Ohio, Columbus, Ohio.

1088.

APPROVAL, BONDS OF MADISON RURAL SCHOOL DISTRICT, LAKE COUNTY, OHIO, IN AMOUNT OF \$12,500 FOR SCHOOL PURPOSES.

COLUMBUS, OHIO, March 19, 1920.

Industrial Commission of Ohio, Columbus, Ohio.

1089.

APPROVAL, DEFICIENCY BONDS OF SALINEVILLE VILLAGE SCHOOL DISTRICT IN AMOUNT OF \$26,700.

COLUMBUS, OHIO, March 19, 1920.

Industrial Commission of Ohio, Columbus, Ohio.