OPINIONS

OF THE

ATTORNEY GENERAL

OF

OHIO

FOR THE

PERIOD FROM JANUARY 14, 1960 TO DECEMBER 29, 1960

Pages 1-759
INDEX——
OPINIONS 1084-1926

The F. J. Heer Printing Company Columbus 16, Ohio 1961 Bound by the State of Ohio



ATTORNEYS GENERAL OF OHIO

HENRY STANBERY	
JOSEPH McCORMICK	
GEORGE E. PUGH	
GEORGE W. McCOOK	
FRANCIS D. KIMBALL	.1856-1857
C. P. WOLCOTT	
JAMES MURRAY	
LYMAN R. CRITCHFIELD	
WILLIAM P. RICHARDSON	
CHAUNCEY N. OLDS	
WILLIAM H. WEST	
FRANCIS B. POND	
JOHN LITTLE	
ISAIAH PILLARS	
GEORGE K. NASH	
D. A. HOLLINGSWORTH	
JAMES LAWRENCE	
JACOB KOHLER	
DAVID K. WATSON	
JOHN K. RICHARDS	
F. S. MONNETT	
J. M. SHEETS	
WADE H. ELLIS	
U. G. DENMAN	
TIMOTHY S. HOGAN	
EDWARD C. TURNER	
JOSEPH McGHEE	
JOHN G. PRICE	
C. C. CRABBE	
EDWARD C. TURNER	
GILBERT BETTMAN	
JOHN W. BRICKER	
HERBERT S. DUFFY	
THOMAS J. HERBERT	
HUGH S. JENKINS	
HERBERT S. DUFFY	
C. WILLIAM O'NEIL	
WILLIAM B. SAXBE	
MARK McELROY	1959-

STAFF OF THE OFFICE OF THE ATTORNEY GENERAL

1960

Mark McElroy	Attorney	General		
J. Harold Read	First Assistant Attorney General			ra I
John F. O'Brien	Chief Counsel			wı
Vito Adamo	Assistant		General	
William H. Allen	Assistant 11	"	"	
** **	"	"	"	
Walter H. Allman	"	"	"	
Marvin E. Arth	"	"	"	
Harry Auslander	"	"	"	
Robert J. Baker	"	"	"	
Irwin Barnett	"	"	"	
John D. Barricklow		••		
Carl A. Bertoch	"	"	66	
James D. Billett	"	"	"	
Richard G. Bing	"	"	"	
Naren Biswas	"	"	"	
Thomas R. Bopeley	"	66	"	
William Boyko	"	"	46	
James O. Bradley	"	"	"	
Joseph Brueggeman	"	66	46	
Dennis J. Callahan	"	"	"	
James E. Canaris	"	"	44	
William G. Carpenter	"	44	"	
Gerald J. Celebrezze	"	**	"	
Carl Z. Christoff	"	46	"	
	"	44	44	
Laurence Collins	"	44	"	
R. Dewitt Colmery	"	"	"	
Thomas J. Conners	"	"	"	
John J. Connors, Jr.	"		"	
John M. Connors	"	"	"	
Howard T. Cook				
Lawrence Corcoran	**	"	44	
Constantine L. Corpas	"	44	44	
Charles K. Correll	46	66	6 6	
Anthony J. Cotton	"	44	46	
Charles P. Courtney	"	"	"	
George J. Demis	46	"	66	
John J. Dilenschneider	"	46	44	
Robert P. DiRosario	"	"	"	
Willard Dobbs	**	44	66	
Joseph R. Doelker	"	44	66	
Eileen M. Donnelly	"	"	44	
H. Richard Dunipace	"	**	"	
Peter Dunkle	"	66	**	
	"	46	"	
Eagleton F. Dunn	"	44	"	
Mary S. Durham	••	••	••	

Arthur C. Elliott	Assistant		General
John D. Erhardt	46	"	44
James R. Fazekas	"	"	"
Kenneth W. Ferrell	"	66	"
Anthony Flex	46	44	66
Jay C. Flowers	"	"	"
William E. Fowler, Jr	"	"	44
Donald C. Freda	"	"	"
William B. Furnier	"	"	"
Roy E. Gabbert	"	"	"
Lowell B. Garverick	"	"	"
Mildred Givets	"	"	"
John W. Gleason	"	"	"
Barbara E. Gorman	44	44	"
A. L. Greenspun	44	"	"
Vatro J. Grill	"	"	44
Alfred C. Grisanti	"	66	"
Robert C. Grisanti	"	"	"
Douglas M. Haynes	"	"	"
Sally R. Heid	"	"	"
Milton D. Holmes	"	"	"
Roy E. Hopple	44	"	"
John A. Hoskins	"	**	44
Mary E. Hutchings	46	66	"
Cleveland Jackson	"	66	66
Stewart R. Jaffy	"	"	44
Timothy Juergens	"	"	"
Joseph D. Karam	"	66	"
Thomas J. Kelley	"	"	"
John M. Kistler	"	"	"
Stanley E. Kolb	"	66	"
Robert J. Kosydar	44	66	"
Michael Kouskouris	"	66	"
William E. Kowar	46	44	"
Walter J. Krasniewski	"	"	"
Eugene P. Krent	"	46	"
Victor S. Krupman	"	46	"
Arthur P. Lambros	"	"	"
Daniel T. LeHigh	"	"	**
John W. Leibold	"	"	"
Mary L. Liberatore	"	"	44
John J. Lokos	"	"	**
George Lowy	"	"	44
John J. Lynch	"	"	**
Colin H. MacAdam	**	66	44
Herbert T. Maher	"	**	"
Alexander H. Martin, Jr.	44	"	"
	"	66	"
Owen J. McCafferty	"	"	"
Jack M. McCann	"	"	"
Martin A. McCormack	"	"	"
John F. McCrystal			
John P. McDonough	"	"	"
Thomas M. McGarry	"	"	"

William P. Meehan	Henry J. Medved	Assistant	Attorney	General
Alfia E. Miano		"		
Telix S. Mika	DeForest Mellon			"
Harold F. Miller				
Norman F. Miller				
George J. Moscarino	Harold F. Miller			"
Sames R. Moscato	Norman F. Miller		••	"
Christopher F. Nardi	George J. Moscarino		"	"
Sames L. Neustadt	James R. Moscato			"
John C. Newton	Christopher F. Nardi		44	"
John J. Nolan	James L. Neustadt		46	"
John F. Norton	John C. Newton	46	41	"
Michael P. O'Brien """" """" """""""""""""""""""""""""""		"	44	44
Strenger Strenger	John F. Norton	44	44	"
Grant D. Owings	Michael P. O'Brien	"	"	"
Kent F. Ozmun	Frederick C. O'Grady	"	"	"
Reich T V. Patchen " " " " " " " " " " " " " " " " " " "	Grant D. Owings	66	66	**
Richard V. Patchen """"""""""""""""""""""""""""""""""""	Kent F. Ozmun	44	66	"
Richard V. Patchen """"""""""""""""""""""""""""""""""""	Paul A. Pachuta	46	44	"
Robert R. Pietro		"	"	"
Robert R. Pietro """"""""""""""""""""""""""""""""""""	Harry R. Paulino	"	66	"
Robert N. Piper """"""""""""""""""""""""""""""""""""		"	"	"
James L. Powers " " " " " " " " " " " " " " " " " " "		"	44	44
Catherine C. Proctor " " " " " " " " " " " " " " " " " " "	<u>-</u>	46	66	"
John A. Pullins " " " " " " " " " " " " " " " " " " "		"	44	"
John K. Purcell " " " " " " " " " " " " " " " " " " "		44	"	"
Joseph R. Ralston " " " " " " " " " " " " " " " " " " "		44	"	"
Thomas D. Reilly " " " " " " " " " " " " " " " " " " "		46	"	"
Philip J. Richie " " " " " " " " " " " " " " " " " " "		"	44	"
G. Dudley Rogers " " " " " " " " " " " " " " " " " " "		"	66	"
Virgil E. Rogers " " " " " " " " " " " " " " " " " " "		**	6 4	"
Victor A. Rosenberger, Jr. " " " " " " " " " " " " " " " " " " "		"	66	"
Joseph L. Rosenbloom " " " " " " " " " " " " " " " " " " "		"	44	"
H. McConnell Saddler " " " " " " " " " " " " " " " " " " "		44	66	"
Theodore R. Saker " " " " " " " " " " " " " " " " " " "	H. McConnell Saddler	"	"	"
Andrew R. Sarisky " " " " " " " " " " " " " " " " " " "		"	"	"
Terrence M. Scherrer " " " " Philip Schwimmer " " " " Walter M. Shea " " " " John J. Sibisan " " " " John A. Sieber " " " " Fred V. Skok " " " " Francis C. Smith " " " " Thomas C. Spraul " " " " Lawrence W. Stacey " " " " Leo P. Stark " " " " George C. Steinemann " " " " Walter Stepanek " " " " Donald E. Strouse " " " " Frank J. Svoboda, Jr. " " " " Donald H. Swain " " " "		"		
Philip Schwimmer " " " " Walter M. Shea " " " " John J. Sibisan " " " " John A. Sieber " " " " Fred V. Skok " " " " Francis C. Smith " " " " Thomas C. Spraul " " " " Lawrence W. Stacey " " " " " Leo P. Stark " " " " George C. Steinemann " " " " Walter Stepanek " " " " Donald E. Strouse " " " " Frank J. Svoboda, Jr. " " " " Donald H. Swain " " " "	Terrance M Scherror			"
Walter M. Shea " " " John J. Sibisan " " " John A. Sieber " " " Fred V. Skok " " " Francis C. Smith " " " Thomas C. Spraul " " " Lawrence W. Stacey " " " " Leo P. Stark " " " " George C. Steinemann " " " " Walter Stepanek " " " " Donald E. Strouse " " " " Frank J. Svoboda, Jr. " " " Donald H. Swain " " "				"
John J. Sibisan " " " John A. Sieber " " " Fred V. Skok " " " Francis C. Smith " " " Thomas C. Spraul " " " Lawrence W. Stacey " " " " Leo P. Stark " " " " George C. Steinemann " " " " Walter Stepanek " " " " Donald E. Strouse " " " " Frank J. Svoboda, Jr. " " " Donald H. Swain " " "		"		
John A. Sieber " " " Fred V. Skok " " " Francis C. Smith " " " Thomas C. Spraul " " " Lawrence W. Stacey " " " Leo P. Stark " " " George C. Steinemann " " " Walter Stepanek " " " Donald E. Strouse " " " Frank J. Svoboda, Jr. " " " Donald H. Swain " " "				
Fred V. Skok				
Francis C. Smith " " " Thomas C. Spraul " " " Lawrence W. Stacey " " " Leo P. Stark " " " George C. Steinemann " " " Walter Stepanek " " " Donald E. Strouse " " " Frank J. Svoboda, Jr. " " " Donald H. Swain " " "				
Thomas C. Spraul " " " Lawrence W. Stacey " " " Leo P. Stark " " " George C. Steinemann " " " Walter Stepanek " " " Donald E. Strouse " " " Frank J. Svoboda, Jr. " " " Donald H. Swain " " "	Francis C. Carith			
Lawrence W. Stacey " " " Leo P. Stark " " " George C. Steinemann " " " Walter Stepanek " " " Donald E. Strouse " " " Frank J. Svoboda, Jr. " " " Donald H. Swain " " "	Themas C. Smith			
Leo P. Stark " " " George C. Steinemann " " " Walter Stepanek " " " Donald E. Strouse " " " Frank J. Svoboda, Jr. " " " Donald H. Swain " " "	Inomas C. Spraul	•	••	
George C. Steinemann " " " Walter Stepanek " " " Donald E. Strouse " " " Frank J. Svoboda, Jr. " " Donald H. Swain " " "				
Walter Stepanek " " " Donald E. Strouse " " " Frank J. Svoboda, Jr. " " Donald H. Swain " " "				
Donald E. Strouse " " " Frank J. Svoboda, Jr. " " Donald H. Swain " "	_	•		
Frank J. Svoboda, Jr. " " " Donald H. Swain " " "				
Donald H. Swain " " "		"	"	"
	Frank J. Svoboda, Jr.	"	"	"
Richard F. Swope " " "	Donald H. Swain	"	"	"
	Richard F. Swope	"	"	"

Frank A. Szymanski	Assistant	Attorney	General
Joseph H. Taddeo	"	"	"
Alexander E. Teodosio	"	44	44
Stanley J. Thor	"	"	"
Josephine Trevathan	46	44	"
Lewis N. Truman	"	"	"
John L. Undercoffer	"	44	"
Mell G. Underwood, Jr	"	"	"
Alvin C. Vinopal	"	"	"
Bruno E. Voltolini	"	46	66
Thomas B. Walker	"	"	"
John T. Walsh	"	"	"
James C. Warren	"	"	"
Manuel Weiser	"	"	"
Virginia Weiss	"	"	"
Aubrey A. Wendt	"	"	"
Joseph L. White	"	**	"
Mark J. Williams	"	"	"
Margaret J. Willis	"	"	"
Edward J. Wise	"	"	"
Sylvan H. Wise	46	"	"
Alan M. Wolk	44	66	"
Albert A. Yannon	"	66	"
Richard D. Young	"	"	"
Thomas J. Zuber	"	"	46

CORRELATION TABLE

Opinion	Page	Opinion		Page
1084		_		. 201
1085				
1086	5	1235		. 210
1089	11	1237		. 218
1090	16	1244		. 224
1091		$1245 \dots$. 229
1092				
1098			• • • • • • • • • • • • • • • • • • • •	
1099			• • • • • • • • • • • • • • • • • • • •	
1107			• • • • • • • • • • • • • • • • • • • •	
1108			• • • • • • • • • • • • • • • • • • • •	
1109			• • • • • • • • • • • • • • • • • • • •	
1110 1114			• • • • • • • • • • • • • • • • • • • •	
			• • • • • • • • • • • • • • • • • • • •	
1115 1124				
1135				
1147				
1148				
1150				
1151				
1153				
1154	101			
1155	105	1309		. 310
1158	111	1317		. 314
1165	114	1333		. 323
1166	120	1348		. 335
1169	123	1366		. 343
1170	128	$1367 \dots$. 346
1175	130			. 350
1176				. 353
1177				
1181			• • • • • • • • • • • • • • • • • • • •	
1182			• • • • • • • • • • • • • • • • • • • •	
1185	· ·•		• • • • • • • • • • • • • • • • • • • •	
1186			• • • • • • • • • • • • • • • • • • • •	
1187			• • • • • • • • • • • • • • • • • • • •	
1201			• • • • • • • • • • • • • • • • • • • •	
1206				
1208			• • • • • • • • • • • • • • • • • • • •	
			• • • • • • • • • • • • • • • • • • • •	
			• • • • • • • • • • • • • • • • • • • •	
1227	. 190	1404		. 408

Opinion	Page	Opinion	Page
1465	. 411	1650	584
1466	. 415	1656	589
1467	. 418	1658	5 93
1468	. 423	1663	597
1489		1664	600
1490	. 429	1681	605
1491		1696	611
1500	. 436	1697	617
1501			621
1502			625
1503			630
1504			642
1505			647
1507		_,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,	651
1519		1789	
1535			661
1536			664
1537			667
1548			673
1549			682
1550			688
1551		1845	
1552		1846	
1573		1847	
1574		1858	
1575		1860	
1578 1581		1861	
1619		1876	
1620		1901	720
1625		1902	
1640		1903	727
1641		1904	730
1642		1921	733
1644		1922	741
1647		1924	744
1648		1925	746
1649		1926	752

INDEX

ABSENCE FOR MILITARY SERVICE—	Page
An employee of the state or one of its political subdivisions is entitled to leave of absence for military service without any loss of pay for a period of not more than 31 days—§5923.05, RC	423
ACCOUNTING-	
Performance of official duties by fiscal officers of state and political subdivisions and keeping of records by these officers—§§4701.01 to 4701.19, inclusive, and A.H.B. No. 544—103rd GA	387
ACTIVE DEPOSITS OF BOARD OF EDUCATION—	
The award of active deposits of the Board of Education by the governing board—Where a subdivision has more than one eligible institution within its territorial limits—§§135.10, 135.01, (K) RC	370
ADJUDICATION HEARING—	
An adjudication hearing by State Board of Examiners of Architects of the State of Ohio Architects Certificate—To revoke §§119.01 to 119.13, inclusive, RC	524
ALLOCATION OF FUNDS—	
Local school board which has no money in the county treasury to its account cannot receive an advance distribution of tax moneys—No authority for county commissioner to loan, grant, or transfer money—§§321.34, 133.30, RC, OAG No. 3596 for 1931, approved and followed	
ANNEXATION—	
Annexation of territory to a municipal corporation—Property should be listed on tax duplicate of such municipal corporation—Chapter 709; 709.17 RC	•
APPOINTMENT—	
A six member board of county hospital trustees appointed pursuant to §339.02, RC, should be bipartisan, made up of three members of each of the two political parties—§339.02 RC	• •
ARCHITECTS—	
An adjudication hearing by State Board of Examiners of Architects of the State of Ohio Architect's certificate—To revoke §§119.01 to 119.13, inclusive, RC)

ARTICLES OF INCORPORATION—	Page
Articles of Incorporation of Paulding, Ohio, Development Corporation	427
ASSESSMENTS, SPECIAL—	
Where property owners petition for lighting—The cost of furnishing such light shall be paid only from a fund raised by special assessments—§§515.02; 515.08 RC	
ASSIGNMENT COMMISSIONER—Common Pleas—	
The appointment of an assignment commission in any county having two judges of the court of common pleas—§§2335.03; 2335.04, RC	
AUDITOR, COUNTY—	
County auditor—Is without authority to make any deductions from salaries of county employees for the purposes of a municipal corporation income tax ordinance—OAG 2592, 1948 approved and followed—OAG OP. No. 835, 1946 approved and followed	
AUDITOR, COUNTY, DEPUTY—	
A deputy county auditor, in the absence of the county auditor, may sign, execute and deliver a deed to the purchaser in a forfeited land sale—§§319.05-3.06-5723.12 RC	
A clerk of a township elected may not at the same time hold the position of deputy county auditor of the county in which such is located— §§507.01, 3.06 RC	
AUDITOR, COUNTY—	
Where the county auditor by a clerical error describes certain land in the tax duplicate as being in one school district when in fact it is located in another, he has a duty to correct such error—§§319.35, 5713.19 RC	,
AUDITOR OF STATE—	
Municipal fire Department—Member suspended without pay—Not a "fine"; money retained in treasury of municipality and not in Firemen's Relief & Pension Fund.	
Disability Benefits—Heart Disease—Who pays for examinations conducted by three physicians—§§741; 10.18 (C) RC	724
Where a Magistrate is required to certify case involving violation of local ordinance to a court of record in county—Case may be certified to court of common pleas or any municipal court in county—Jurisdiction to hear case—§§2937.08, 2938.04, RC, OAG No. 1548 for	! •
1960	705

	Page
A municipality has no power to compel a city school district to comply with the city building code in construction on property belonging to the school district, and located within the limits of the municipality, and a municipality may not require a performance bond conditioned on compliance with the city building code for construction work on such property of a school district—§5.9716, Personal Performance Bond—Cleveland, Ohio—§5.972701—Masters Plumbers Bond—OAG No. 6325, March 1, 1956—OAG No. 3865, 1922	436
Person convicted on six separate indictments, each containing one count—Sheriff or police officer may charge fee for services for each indictment—§§311.17, 509.15, 1903.12, 2941.04 RC	682
Full time firemen of a municipal fire department, and full time police- men of a municipality—Eligibility to become members of firemen's or police—Relief and pension fund.	
Public employees retirement system—Refund—§§741.01 (A), .31 (A), .02, .32, 145.56 RC; OAG No. 2327—1947	630
Election to fill vacancy in legislative authority of a city—Tie results—President of legislative authority votes to break tie—And authority to vote.	
Mode of elections for filling a vacancy—§731.43, 731.45, 733.09 RC	605
The time or stage of procedure when some value of money attaches to a prepaid sales tax receipt is at the time such receipt is procured —If the treasurer of state can account for all of the prepaid sales tax receipts received and unsold by him, he is not responsible for a deficiency—An agent of the treasurer of state is responsible for whatever money damages the state might sustain by reason of a deficiency chargeable to his account—§\$5739.05—5739.06—5739.07—	
5741.08	575 539
A child transferred to foster home from institution is entitled to free education—§§5123.03, 3313.64, 5123.12 RC	539
Funds distributed to a municipal corporation may be used to employ operating personnel and pay other expenses of the maintenance, repair and daily operation of a drawbridge—§§4501.04, 5735.23 RC	551
Neither the township records commission nor the county records commission has authority to order the destruction of records of a library—A board of library trustees has implied authority to order the destruction of men—Permanent records—§§149.42, 149.38, 3375.10 RC	520
A mayor of a village in which a municipal court is located has no criminal jurisdiction but every other mayor of a village has jurisdiction in all criminal causes—§§1901.04, 1907.031, 1905.01, 1905.09 RC	506
Board of library trustees may accept common and/or preferred stocks and for bonds as a specific bequest under—A testator or donor may attack a condition to a specific bequest, gift or endowment—The investing of moneys derived from sale of above by the clerk of a board of library trustees—Securities—§§3375.40 (J), 135,01 et seq.,	
RC—3025 OAG 1953 n 439	489

	Page
An employee of the state or one of its political subdivisions is entitled to leave of absence for military service without any loss of pay for a period not more than 31 days—§5923.05 RC	423
Provisions of §§735.071 and 735.074 RC are limitations imposed upon debt incurring power of municipalities, and take precedence over any provision of city charter or ordinance in conflict therewith— §§735.071, 735.074 RC	
Performance of official duties by fiscal officers of state and political subdivisions and keeping of records by these officers—§§4701.01 to 4701.19, inclusive, and 4701.99 RC—A.H.B. 544—103rd G.A	387
The award of active deposits of the Board of Education by the governing board—Where a subdivision has more than one eligible institution within its territorial limits—§§135.10, 135.01, (K) RC	
Regarding a warrant of the Auditor of State which has been stolen after delivery to the payee and the issuing of a duplicate of such warrant—§115.38 RC	
A bail forfeiture, unless otherwise directed by the director of natural resources, should be paid to the director—§§1531.01 to 1531.26, 1533.01 to 1533.69 RC	
A municipality may operate a public utility both within and without its corporate limits—Reimburse the original installers—Sec. 6 Art. XVIII OHIO CONSTITUTION	
Money appropriated from road or bridge fund may not be used to pay clerical assistants, however	
County engineer authorized to appoint and discharge employees—County commissioners without authority to delete from payroll—§§315.12, 325.17 RC	
Municipal corporation—Without authority to purchase public liability insurance concerning physicians and nurses—\$723.01 RC	
County auditor—Who began term before or after Sept. 10, 1959—entitled to receive compensation in addition to salary—§§325.02 5731.43 RC—Art. 11, Sec. 20 OHIO CONSTITUTION—982 OAG 1959 OVERRULED	•
Fees and costs, counsel—Fees and expenses of court appointed counsel considered as costs—When such costs certified as unpaid by clerk to Auditor of State, unpaid amount should be paid by State— §§2941.51, 2949.19 RC—Am. S. B. 52, 103 GA 1583 AG—Overruled	:
Member, board of Liquor Control—Not entitled to expenses incurred while serving in city of Columbus—Reimbursement is authorized to member for actual expenses incurred while traveling to or from board hearings—§§121.12, 4301.07 RC	l
Public officers, change of salary during trem, constitutional prohibition not applicable, when members of board of professional engineers and surveyors, per diem payments—§4733.05 RC—Art. 11, Sec. 20 OHIO CONSTITUTION, A, S. B. 192, 103rd GA	; ,
Park District, commissioners, operation of golf course outside district—Effect of zoning ordinance—§1545.11 RC	-

	Page
Volunteer Firemen, not qualified as member of pension fund-Mem-	
bers of volunteer's dependents fund—§§741.01, 3310.09 RC Schools, Teachers and Education, additional duties, power of board to	24
compensate for—§§3319.08, 3313.20 RC	46
BAIL FORFEITURE—	
A bail forfeiture, unless otherwise directed by the director of natural resources, should be paid to the director—§§1531.01 to 1531.26, 1533.01 to 1533.69 RC	353
Where there is a bail forfeiture the magistrate or clerk of the court adjudging forfeiture may satisfy the amount of the accrued costs in the case out of the amount of bail—§§2937.36, 5503.04 RC	415
BALLOT—	
Regarding the form of ballot to be used this year for the renewal of special levies—Reduction of levy—§§5713.11, 5705.25 RC	600
BENEFICIARY—	
Members of the State Teachers Retirement System of Ohio. Marriage or divorce shall constitute an automatic revocation of previous designation of beneficiary—§3307.48	
BENEFITS, FIRE COMPANY—	
Limiting the membership of a fire company for benefit purposes to forty, applies only to a "private volunteer fire company"—§§3310.061 (C), 3310.021, 3310.011 RC	
BILL OR VOUCHERS, FILING OF—	
Bills and vouchers of a county Dept. of Welfare pertaining to the administration of the aid to the needy blind, dependent children, disabled persons—§§319.19, 329.01 through 329.10, 5151.01 through 5151.11, 5107.01 through 5107.06 RC—797 OAG 1946—2551 OAG 1947	• L
BOARD OF COUNTY HOSPITAL TRUSTEES—	
A six member board of county hospital trustees appointed pursuant to §339.02 RC, should be bipartisan, made up of three members of each of the two political parties—§339.02 RC	L
BOARD OF EDUCATION—	
Submission to voters by board of education of a proposed additional tax levy for school purposes—§§5705.21, 3501.01 RC	
Whether it is mandatory for local school board to build and maintain fences on its property—§§3313.37, 971.01 et seq.—2650 OAG 1934	
BOARD OF TRUSTEES, TUBERCULOSIS HOSPITAL—	
Board of trustees of a county tuberculosis hospital—Deposit any surplus funds in their control—In designated and qualified public depositories—§339.26 RC	•

BOND—	Page
A municipality has no power to compel a city school district to comply with the city building code in construction on property belonging to the school district, and located within the limits of the muncipality and a municipality may not require of any person a performance bond conditioned on compliance with the city building code for construction work on such property of a school district	o r, e
BONDS, CASH APPEARANCE—	
Designation of county sheriff as ministerial officer of county court doe not authorize such sheriff to accept cash appearance bonds- §§1907.511, 2937.22 RC	-
BOND, SURETY—	
State board of cosmetology, requiring applicants for a cosmetology school license to furnish a surety bond as security for continue operation of such school, is not authorized—§§4713.02, 4713.15 4713.17 RC	d 5,
BRIDGES	
Located on State Highway within municipality—County Commissioner obligation to construct, bond issue, pledge of funds—§§5591.025591.21, RC	2,
BUDGET COMMISSION, COUNTY—	
County budget commission—Prohibited from reducing rate of an levy for current school operating expenses—No authority for suc act can be implied from the power of the superintendent of public in struction—§§5713.11, 3317.02 RC	h ı-
BUILDING CODE—	
A municipality has no power to compel a city school district to compl with the city building code in construction on property belonging t the school district, and located within the municipality, and a municipality may not require of any person a performance bond conditione on compliance with the city building code for construction work o such property of a school district	o i- d n
CANDIDACY ELIGIBILITY—	
A person who seeks a party nomination for an office or position at	
primary election by declaration of candidacy is not eligible to be certified as a candidate of a political party at the following general election—§§3513.04, 3513.31 RC	al
CANDIDATES, EXPENSE STATEMENT—	
Shall be notified on or before 20th day after election of requiremen	
to file statement of receipts and expenditures and where candidate not so notified, fails to file such statement within specified timesuch candidate is not disqualified from becoming candidate in an future election for period of five years—§§3517.10, 3517.11 RC	у

CEMETERY GROUNDS—	Page
Board of Township Trustees—Acquires additional grounds for cemetery purposes—Must enclose such grounds with fence or hedge—§§517.13, 517.11 RC	727
JII.II 160	.2.
CERTIFICATE OF ELECTIONS—	
Board of Elections—The issuing of the certificate of election—Board unaware of his past voting record—Voted as a member of a different party running for election under other party—§§3513.191, 3513.22 RC	
CHARITABLE TRUST—	
Board of County Commissioners holding realty as trustee of "Charitable Trust"—Court order necessary for conveyance	
CHECKOFF, WAGES-	
Where a state employee desires to institute a checkoff on his wages— The proper procedure for such—§§9.41, 115.35 RC	
CLERK OF COURTS-	
Filing fees, judgment entry for sales tax, subject to payment in advance—Not required for tax commission—§§2303.20, 5739.13, 109.19 RC	2
CHILD WELFARE BOARD, COUNTY-	
County child welfare board or a county without a county child welfare board may operate a training center under direction and supervision of the commissioner of mental hygiene—§§5127.01, 5127.03 RC	
CLERK, TOWNSHIP-	
Township trustees—Not authorized to regulate time the township clerk should devote to duties of his office	94
Office of the township clerk compatible with position of full time employee of county treasurer, if physically possible—§§505, 507 RC	94
COMMISSIONERS, PARK DISTRICT—	
Operation of golf course outside district and effect of zoning or- dinance—§1545.11 RC	51
COMMISSIONER, COUNTY—	
County Commissioner—Operating a county home, may provide all necessary medical and surgical services in the home itself—Chapter 5155 RC—§§5155.22, 5155.27 RC	201
COMMISSIONER—	
County commissioner—Not authorized by any provision of law to adopt regulations—Issue permits—Collect fees—Etc.—§307.37 RC Money appropriated from road or bridge fund may not be used to pay	229
clerical assistants, however	269

·	Page
County engineer authorized to appoint and discharge employees— County commissioner without authority to delete from payroll— §§315.12, 325.17 RC	269
COMMON PLEAS, COURT OF—	
Where Magistrate is required to certify case involving violation of local ordinance to court of record in county—Case may be certified to court of common pleas or any municipal court in county—Jurisdiction to hear case—§\$2937.08, 2938.04 RC—1548 OAG 1960	705
The appointment of an assignment commissioner in any county having two judges of the court of common pleas—§§2335.03, 2335.04 RC	741
COMPATIBLE—INCOMPATIBLE—	
Township trustee—Not authorized to regulate time the township clerk should devote to duties of his office	94
Office of the township clerk compatible with position of full time employee of county treasurer, if physically possible—§\$505, 507 RC	94
Position of member of board of township trustees—Incompatible with position of member of volunteer fire department—§505.37 RC	120
Office of County Administrator—Incompatible with office of mayor of village in same county	134
Board of County Commissioners—May not employ executive secretary	134
Office of member of board of elections—Compatible with position of judge of County Court—Unless county judge is candidate for elective office—§3501.15 RC	139
A clerk of a township elected may not at the same time hold the position of deputy auditor of the county in which such township is located—§\$507.01, 3.06, RC	584
Elective position of township clerk is incompatible with the position of state department of highway employee but is not incompatible if position is not in the classified civil service—§§143.41, 507.01 RC—	
223 OAG 1959	597
Position of representative to Congress is incompatible with the position of member of the State Board of Education—§3301.031 RC	715
The compatibility of the positions of a local board of education simultaneously—§3313.85—Informal 169 OAG 1947	432
COMPENSATION—	
A work-relief employee who has been permanently and totally disabled as the result of injury or disease sustained in the course of his employment and who is receiving componentian	459
ployment and who is receiving compensation	453 453
COUNTY AUDITOR—	
County Auditor—Who began term before or after Sept. 10, 1959— Entitled to receive compensation in addition to salary—§§325.02, 325.03, 5731.43 RC—Art. 11, Sec. 20 OHIO CONSTITUTION—982.0AG 1959—OVERBILLED	105

CONSECUTIVE SENTENCES OF CONVICT—	Page
Consecutive sentences—And eligibility for parole—§§2941.40, 2941.43, 2965.35 RC	392
CONSERVANCY DISTRICT—	
State or political subdivision—Authority to designate "designed water ski zone" or designated "bathing area"—§§1547.08, 1547.09, 1547.14, 1547.20 RC	
CONSTRUCTION—	
A municipality has no power to compel a city school district to comply with the city building code in construction on property belonging to the school district, and located within the limits of the municipality, and a municipality may not require of any person a performance bond conditioned on compliance with the city building code for construction work on such property of a school district—§§5.9716—Personal performance bond, Cleveland, Ohio—§5.972701—Master Plumbers Bond—6325 OAG 1956—3865 OAG 1922	
CONTRACTOR—	
A municipality has no power to compel a city school district to comply with the city building code in construction on property belonging to the school district, and located within the limits of the municipality, and a municipality may not require of any person a performance bond conditioned on compliance with the city building code for construction work on such property of a school district—\$5.9716—Personal performance bond, Cleveland, Ohio—\$5.972701—Master Plumbers Bond—6325 OAG 1956—3865 OAG 1922	
CONTRACTS—	
When several school districts are consolidated into one new school district the contracts of teachers become the obligation of the new consolidated board of education	257
The Board of Education of the new school district must adopt a teachers schedule—§3319.18, 3319.12 RC	257
CORONER, COUNTY—	
County Coroner—May not receive payment of extra compensation for performance of official autopsy	98
Assistant Coroner—To be paid salary cannot be paid on basis of official autopsies performed—\$\\$313.05, 325.15 RC	98
CORPORATION, SHARES OF—	
Computing a fee to be charged relating to an increase in the authorized number of shares of a corporation—§111.16 (B), RC	346
CORPORATIONS—	
Corporations—May not amend articles of incorporation to provide for new corporate purpose if chapter of Revised Code under which corporation formed is repealed—§\$1731.01, 1701, 1702 RC—Art. XIII, Sec. 2, OHIO CONSTITUTION	154

COSMETOLOGY, STATE BOARD OF, CHAIRMAN—	Page
State board of cosmetology, requiring applicants for a cosmetology school license to furnish a surety bond as security for continued operation of such school, is not authorized—§§4713.02, 4713.15, 4713.17 RC	171
COSTS, OF EXAMINATION—	
Municipal Fire Dept.—Member suspended without pay—Not a "fine"— Money retained in treasury of municipality and not in Firemen's Relief and Pension Fund	724
Disability benefits—Heart disease—Who pays costs for examinations conducted by three physicians—§§741.10, 741.18 (C) RC	724
CERTIFY, CASE—	
Where magistrate is required to certify case involving violation of local ordinance to court of record in county—Case may be certified to court of common pleas or any municipal court in county—Jurisdiction to hear case—\$\$2937.08, 2938.04 RC—1548 OAG 1960	705
COUNTY—	
The appointment of an assignment commissioner in any county having two judges of the court of common pleas—§§2335.03, 2335.04 RC	741
COUNTY (UNINCORPORATED PORTIONS)—	
Jurisdiction—County commissioners, Public Utilities Commission over water and sewage system in unincorporated portions of county—Rates—Mortgage on plant bought or received as gift—No authority to pay mortgage out of county funds—§§6103.02, 6117.01, 4905.02, 4905.03, 5301.24 RC—Chapter 4905 RC	673
COUNTY ATTENDANCE OFFICER—	
One person may simultaneously hold the position of county attendance officer and township trustee within the same county—§3321.15 RC	189
COUNTY AUDITOR—	
Who began term before or after Sept. 10, 1959—Entitled to receive compensation in addition to salary—§§325.02, 325.03, 5731.43 RC—Art. II, Sec. 20 OHIO CONSTITUTION—982 OAG 1959—OVER-RULED	105
Bills and vouchers of a county dept. of welfare pertaining to the administration of the aid to the needy blind, dependent children, disabled persons—§§319.19, 329.01 through 329.10, 5151.01 through 5151.11, 5107.01 through 5107.16 RC—797 OAG—1946—2551 OAG	
1947	314
COUNTY COMMISSIONERS—	
Jurisdiction—County commissioners, Public Utilities Commission over water and sewage system in unincorporated portions of county—Rates—Mortgage on plant bought or received as gift—No authority to pay mortgage out of county funds—§§6103.02, 6117.01, 4905.02, 4905.03, 5301.24 RC—Chapter 4905 RC	673

	Page
Power of Board of County Commissioners to purchase site and construct buildings for training school for retarded children	617
To use the proceeds of a levy in excess of the ten-mill limitation for the purpose of constructing a permanent improvement—§§307.02, 5153.16, 5705.19 RC	617
A board of county commissioners is under the mandatory duty to pay to persons who served as justices of the peace between January 1, 1956 and December 31, 1957 a sum equal to the total fees collected—Any month during such period they did not receive regular salaries and such board is not authorized to pay any salaries—§§1907.33, 1907.34, 1907.32, 1907.47—A.H.B. 364 for December 10, 1959	589
Assessment for any part of the cost of road improvements by the county engineer pursuant to an agreement between the board of township trustees and board of county commissioners—§§307.15, 5573.07 RC—7494 OAG 1956, p. 888	503
County commissioner may invest inactive county funds in bonds or other obligations of the United States, when—§§321.44, 135.12, 135.141—1899 OAG 1958 paragraph 3 of the syllabus, 860 OAG 1959 paragraph 4 OVERRULED	166
Trustee of Charitable Trust—Board of County Commissioners holding realty as trustee of "Charitable Trust"—Court order necessary for conveyance	123
COUNTY COURT—	
Basis for per capita salary of judge of a county court on and after April 1, 1960—§1907.081 RC	664
COUNTY ENGINEER—	
Money appropriated from road or bridge fund may not be used to pay clerical assistants, however	269
County engineer authorized to appoint and discharge employees— County commissioner without authority to delete from payroll— §§315.12, 325.17 RC	269
County Engineer—Schedule of assessments—Parcel of real estate— §§6131.15, 6131.01 (F) (G) RC	661
COUNTY CHILD WELFARE BOARD—	
There is no authority in Sec. 5153.01, et seq., RC allowing a county child welfare board to purchase real property—§\$5153.01, 5153.34, 5153.35 RC—1168 OAG 1946, p. 628	408
COUNTY RECORDER—	
Fee to be charged by county recorder for recording assignments of	
mortgages, leases, and liens—§§317.32 (A), .32 (B), .32 (G), 2127.19 RC	642
Regarding authority of county recorder to enter into an agreement with a private concern in which such concern would make enlarged copies of microfilm records—\$89.01, 317.13 RC—6935 OAG	359

COUNTY RECORDS COMMISSION—	Page
County Records Commission regarding public records, inventory and analysis—Jurisdiction—Retention periods—Employment of trained archivist for conduction records inventories and analysis disposal of copies of a record—§149.38 RC—5667 OAG 1955	
COUNTY ROAD, ETC—	
Limited Access Highway—Intersects with a county road, bridges, underpasses, approaches and guardrails within Highway right-of-way, are included in state highway system—And should be maintained by State Department of Highways—§§5511.02, 5501.01, 5591.21 RC	
COUNTY SHERIFF—	
County sheriff may make a contract with township to provide police protection for said township—§505.441 RC	
COURTS, CLERK OF—	
Clerk of courts also acting as clerk of a county court may sign and issue a warrant for the arrest of a person—§§1907.101, 2935.10 RC	
COURT COSTS—	
Board of township trustees nor township board of zoning appeals—pay the reasonable and necessary costs of postage and advertising—where a stenographic record is made of a hearing, the cost should be borne by the party which requested the record—§519.15 RC—7111 OAG 1956—895 OAG 1959	
COURT, COUNTY—	
Designation of county sheriff as ministerial officer of county court does not authorize such sheriff to accept cash appearance bonds— §§1907.511, 2937.22 RC	
A county court is not a court of record and in a criminal case in a county court where the defendant is entitled to a trial by jury and does not waive such right, the judge is required to certify the case to a court of record in the county and—§§1907.012, 2937.08, 2938.04, 3773.22, 2938.10, 2938.13 RC	· !
Payment of jury fees in actions of forcible entry and detained in a county court—Payment of jury fees in other civil cases in county court—§§1913.12, 1907.291 RC Div. (M)	•
County court judge—May hear cases involving violations of municipal ordinances, when—§§1907.031, 2931.02 RC—Fine received for such violation—To be paid into municipal treasury—§§1907.101, 2931.08 RC	l 1
Expansion of territory of municipal court to include area of existing county court—County court is abolished—§§1901.02, 1901.14 1907.011 RC	;
COURT, MUNICIPAL—	
A municipal court has territorial jurisdiction in municipal corporations and townships which extend from the shores of Lake Erie southward, such municipal court, unless specifically authorized by statute, does not have jurisdiction—§§1901.02, 1531.18 RC	7

	Page
Expansion of territory of Municipal Court to include area of existing County Court—County Court abolished—§§1901.02, 1901.04, 1907.011 RC	130
CONTROL OF PROOF	
COURT OF RECORD— Where Magistrate is required to certify case involving violation of local ordinance to court of record in county—Case may be certified to court of common pleas or any municipal court in county—Jurisdiction to hear case—§§2937.08, 2938.04 RC—1548 OAG 1960	705
CREDITS, TRANSFER OF—	
Public school may not withhold the transfer of credits of, or refuse a diploma to, a student on grounds, that said student has to pay school fees assessed against him—§§3313.48, 3313.64 RC	712
DEPARTMENT OF PUBLIC WELFARE, DIRECTOR OF—	
Bills and vouchers of a county dept. of welfare pertaining to the administration of the aid to the needy blind, dependent children, disabled persons—§§319.19, 329.01 through 329.10, 5151.01 through 5151.11, 5107.01 through 5107.16 RC—797 OAG 1946—2551 OAG 1947	314
DIPLOMA—	
Public school may not withhold the transfer of credits of, or refuse a diploma to, a student on grounds that said student has to pay school fees assessed against him—§§3313.48, 3313.64 RC	712
DIRECTOR, DEPT. OF HIGHWAY SAFETY—	
Director of Highway Safety—Office incompatible with office of member of board of elections—§§121.02, 121.12, 3501.06 RC	5
DISABILITY BENEFITS—	
Municipal fire dept.—Member suspended without pay—Not a "fine"— Money retained in treasury of municipality and not in Firemens Re- lief and Pension Fund	
Disability benefits—Heart disease—Who pays costs for examination	
conducted by three physicians—§§741.10, 741.18 (C) RC	724
DOG WARDEN, COUNTY—	
Powers and duties of county dog warden—Authority to confine dog running at large when dog is wearing a valid registration tag— \$\$955.12, 951.02 RC—Chapter 955 RC	
EDUCATION-	
Regarding the power of a municipality to compel a city school district to comply with city building code in construction on property of school district located in municipality and the requiring of a performance bond—Art. XVIII, Sec. 3, OHIO CONSTITUTION—6325 OAG 1956	
Child entitled to free education in school district in which a state institution for the feeble-minded is located	

	Page
A child transferred to foster home from institution is entitled to free education—§§5123.03, 3313.64, 5123.12 RC	539
Whether it is mandatory for local school board to build and maintain fences on its property—§§3313.37, 971.01 et seq.—2650 OAG 1934	429
A board of education which has entered an agreement with an adjoining school district of neighboring state for joint establishment and maintenance of a school—And termination of said agreement— §3313.42 RC	389
The award of active deposits of the board of Education by the governing board—Where a subdivision has more than one eligible institution within its territorial limits—\$\\$135.10, 135.01, (K) RC	370
Board of Education may execute 5 year irrevocable rental agreement for office equipment—Equipment rentals regarding "permanent improvement" Board of Education may expend public funds for insurance on office equipment leased—§§3313.17, 5705.41, 1133.01, 133.24, 3313.27 RC	305
Transfer of entire school district to another district	302
Foundation program monies shall not be less in succeeding 3 years after transfer than the sum received separately by the districts during year which transfer was consummated—§\$3317.02 RC	302
When several school districts are consolidated into one new school district the contracts of teachers become the obligation of the new consolidated board of Education	257
The Board of Education of the new school district must adopt a teachers' schedule—§§3319.18, 3319.12 RC	257
County budget commission—Prohibited from reducing rate of any levy for current school operating expenses—No authority for such act can be implied from the power of the superintendent of public instruction—§§5713.11, 3317.02 RC	249
EDUCATION, BOARD OF—	
The purchasing of assessment mutual fire insurance by local board of education on its improvements and authorized issuance of same—	405
§3939.01 RC—1214 OAG 1952, 187-190	427
The compatibility of the positions of a member of a local board of education simultaneously—§3313.85—Informal 169 OAG 1947	432
EDUCATION, TEACHERS—	
Teachers salary schedule—No specified time for filing	114
to first job of teaching	114
Service credit provisions—Applicable to all teachers currently employed—§§3317.06, 3317.14 RC—Opinion 926 OAG 1951 followed	114
ELECTIONS-	
A person who seeks a party nomination for an office or position at a primary election by declaration of candidacy is not eligible to be certified as a candidate of a political party at the following general election—§§3513.04, 3513.31 RC	647

	Page
The registration of voters at the first general registration	611
Qualified voter may register at board of elections if absent from precinct on day set for registration	611
Valid reason for being absent—§§3503.06, .08, .27, RC	611
City—Election to fill vacancy in legislative authority of a city—Tie results—President of legislative authority votes to break tie—Authority to vote—Mode of elections for filling vacancy—§§731.43, 731.45, 733.09 RC	605
Board of Elections—The issuing of the certificate of election—Board unaware of his past voting record—Voted as a member of a different party running for election under other party—§§3513.191, 3513.22 RC	514
Submission to voters by board of education of a proposed additional tax levy for school purposes—§§5705.21, 3501.01 RC	485
EMPLOYEE-	
Where a state employee desires to institute a checkoff on his wages—the proper procedure for such—§§9.41, 115.35 RC	
Metropolitan housing authority—Is a political subdivision of the state ——\$5923.05 RC—Employees entitled to leave of absence for military service—No loss of pay for period not more than 31 days even if paid for military service——\$\$5923.05, 3735.27, et seq.—1158 OAG 1960—1468 OAG 1960	
Money appropriated from road and bridge fund may not be used to pay clerical assistants, however	269
County engineer authorized to appoint and discharge employees— County commissioner without authority to delete from payroll— §§315.12, 325.17 RC	
ENGINEER—	
Whether a professional engineer may practice the occupation of engineering through a limited partnership association—Chapter 1783 RC—§4733.16 RC	
Whether a professional engineer may practice the occupation of engineering through a limited partnership association—Chapter 1783 RC—§4733.16 RC	
EQUIPMENT RENTALS, SCHOOLS—	
Board of Education may execute 5 year irrevocable rental agreement for office equipment—Equipment rentals regarding "permanent improvement" Board of Education may expend public funds, for insurance on office equipment leased—§§3313.17, 5705.41, 1133.01, 133.24, 3313.27 RC	

EXAMINATION—	Page
Qualification to take an examination for a license to practice optometry in 1949 §§1295-28, G.C. now changed under §4725.08 RC in 1950 qualifications required if person failed examination in 1949 and applies for examination in 1960—§4725.08 RC—6334 OAG 1943, p. 486	403
Pharmacy—Applying for registration as a pharmacist when the license to practice pharmacy was revoked by state board of pharmacy	411
Admitting to examination a person whose certificate of registration as a pharmacist has been reached for violating a narcotic law, a felony—§§4729.07, 4729.08, 4729.16 RC—1207 OAG 1960	411
EXECUTIVE SECRETARY, PUBLIC EMPLOYEES RETIREMENT SYSTEM—	
P.E.R.S.—Ohio Turnpike Commission an employer—Employer's accumulation final—Obligation to pay into—§145.01 RC	77
Per System—Public employees retirement system, benefits and rights, to one who understated age—§145 RC	40
EXPENSES, TRAVEL—	
Member, board of Liquor Control—Not entitled to expenses incurred while serving in city of Columbus—Reimbursement is authorized to member for actual expenses incurred while traveling to or from board hearings—§§121.12, 4301.07 RC	67
EXPENSES—	
Members of Pardon and Parole Commission may be reimbursed for traveling and other expenses while on official business	752
Members may not have any other occupation or employment— §§2965.07, 2965.08, 2965.03 RC—1124 OAG 1960	752
Statement of Candidates—Shall be notified on or before 20th day after election of requirement to file statement of receipts and expenditures—Where candidate, not so notified, fails to file such statement within specified time such candidate is not disqualified from becoming candidate in any future election for period of five years— §§3517.10, 3517.11 RC	
FEES	
Persons convicted on six separate indictments, each containing one count—Sheriff or police officer may charge fee for services for each indictment—§§311.17, 509.15, 1903.12, 2941.04 RC	
Fee to be charged by county recorder for recording assignments of mortgages, leases, and liens—§§317.32 (A), .32 (B), .32 (G), 2127.19 RC	642
Filing, clerk of courts—Judgment entry for sales tax, subject to payment in advance—Not required for tax commission—§§2303.20, 5739.13, 109.19 RC	2

	Page
Court appointed counsel—Fees and expenses of court appointed counsel considered as costs—When such costs certified as unpaid by clerk to Auditor of State, unpaid amount should be paid by state— §§2941.51, 2949.19 RC—Am. S. B. 52, 103rd GA—1583 AG 1930 OVERRULED	90
Schools—Public school may not withhold the transfer of credits of, or refuse a diploma to, a student on grounds that said student has to pay school fees assessed against him—§§3313.48, 3313.64 RC	712
FIRE DEPT.—	
Muncipal fire dept.—Member suspended without pay—Not a "fine"— Money retained in city treasury and not in Firemen's Relief and Pension Fund	724
Disability Benefits—Heart disease—Who pays costs of three physicians performing examinations—§§741.10, 741.18 (C) RC	724
FIRE DISTRICTS—	
Maintaining volunteer fire departments, served by two departments, obligation to pay premiums to firemen's dependents fund—§§3310.09, 3310.11 RC	40
FIREMEN (RELIEF OR PENSION FUND)—	
Full time firemen of a municipal fire department, and full time police men of a municipality—Eligibility to become members of firemen's or police—Relief and pension fund	- 630
Public employees retirement system—Refund—§§741.01 (A), .31 (A), .02, .32, 145.56 RC—2327 OAG 1947	630
FIREMAN, VOLUNTEER—	
Not qualified as member of pension fund—Members of volunteer's dependents fund—§§741.01, 3310.09 RC	724
FISCAL OFFICERS—	
Performance of official duties by fiscal officers of state and political subdivisions and keeping of records by these officers—§§4701.01 to 4701.19, inclusive, and 4701.99 RC—A.H.B. 544, 103rd G.A	387
FORESTRY, DIVISION OF—	
Chief of the Division of Forestry may, with approval of the Attorney General and the Director of Natural Resources, enter into a lease for removal of oil—§1503.05 RC	191
FUND—	
Where property owners petition for lighting—The cost of furnishing such light shall be paid only from a fund raised by special assessment—§§515.02, 515.08 RC	744
Funds distributed to a municipal corporation may be used to employ operating personnel and pay other expenses of the maintenance, repair and daily operation of a drawbridge—§§4501.04, 5735.23 RC.	551

	Page
County—Jurisdiction—County commissioners, Public Utilities Commission over water and sewage system in unincorporated portions of county—Rates—Mortgage on plant bought or received as gift—No authority to pay mortgage out of county funds—§§6103.02, 6117.01, 4905.02, 4905.03, 5301.24 RC—Chapter 4905 RC	673
in—§§6137.02, 6137.03 RC	86
Law libraries, payment to fund by municipal court clerks, amounts, enforcement—§3375.50 RC—Paragraph 2 of syllabus of Opinion 1645 OAG 1952, approved and followed	57
GAMBLING—	
Pinball machine which contains the element of prize and chance, but not prize is not a gambling device—§§4461 and 4462 of Title 26, United States Code—Chapter 2915 RC	196
GOVERNOR—	
Where a state employee desires to institute a checkoff on his wages—Procedure for such—§§9.41, 115.35 RC	746
Position of representative to Congress is incompatible with the position of member of the State Board of Education—§3301.031 RC.	715
HEALTH, BOARD OF-	
Authority of board of health of general health district to require registration of persons engaged in plumbing in district and to charge fees for registration—§§3707.01, 3709.21 RC—2760 OAG 1953 p. 264.	398
Director of—Public Agencies include only state, counties, municipal corporation and boards of Education—Transfer of employees from one public agency to another are credited with the unused balance of their accumulated sick leave. This does not apply to: employee of a city or general health district transfering to State Dept. of Health—§143.29 RC	
11Caton - 3140.50 100 1	
HIGHWAY SAFETY, DIRECTOR OF—	
Office incompatible with office of member of board of elections §§121.02, 121.12, 3501.06 RC	5
HIGHWAYS—	
Limited Access Highway—Intersects with a county road, bridges, underpasses, approaches and guardrails within Highway right-of-way, are included in state highway system—and should be maintained by State Department of Highways—§§5511.02, 5501.01, 5591.21 RC	
HIGHWAY SAFETY, DEPT. OF DIRECTOR—	
Motor vehicles used to deliver newspapers are not allowed the use of flashing red lights—This type of signal is used only on emergency vehicles within the meaning of division (D) of §4511.01 RC— §§4513.17, 4511.01 RC	

HOSPITALS—	Page
The prosecuting attorney of a county is the legal advisor of a joint township hospital board—But is not the legal advisor of a board of hospital governors—§§513.07, 513.16, 513.17 RC	205
HOSPITAL, TUBERCULOSIS, COUNTY—	
Board of trustees of a county tuberculosis hospital—Deposit any surplus funds in their control—In designated and qualified public depositories—§339.26 RC	265
IMMUNIZATION—	
Of schools, pupils, expense of, borne by whom-\$3313.671 RC	32
INCORPORATION, ARTICLES OF—	
The definition of the word "place" used in §1701.04 (A) (2) RC in regards to requiring the articles of incorporation presented for filing to state a street address—§§1701.04 (A) (2), 1701.07 (C) RC	
INDUSTRIAL COMMISSION—	
A work-relief employee who has been permanently and totally disabled as the result of injury or disease sustained in the course of his employment and who is receiving compensation	
When it has been determined that a claimant is entitled to compensation—Chapter 4127 RC—§§4123.412-4123.418	453
INSURANCE—	
Public library boards—Are not subject to liability for claims arising in tort—Therefore have no authority to purchase liability insurance— §3375.33 RC	-
"Specific goods" as contained in division (D) of §1317.01 RC includes insurance policies—Retail installment sale of insurance policy is subject to provisions of Chapter 1317 RC—§\$1317.01, 1315.01 RC—	3
Chapter 1317 RC	376
INSURANCE COMPANIES—	
"Policy of bond" issued by insurance company or surety company must meet requirements of—§§4509.19, 4509.20 RC	
INSURANCE, FIRE—	
The purchasing of assessment mutual fire insurance by local board of education on its improvements and authorized issuance of same— §3939.01 RC—1214 OAG 1952 p. 187-190	-
INSURANCE, LIABILITY—MUNICIPAL CORPORATION—	
Municipal Corporation—Without authority to purchase public liability insurance concerning physicians and nurses—§723.01 RC	. 161
Library—Board of library trustees may, under §3375.22 RC procure insurance policies insuring officers and employees of library when driving motor vehicles owned by them for and on behalf of the library—No authority for purchase of insurance covering these	n e
privately owned vehicles when not driven for or on behalf of such libraries—§§3375.401, 3375.33 RC—1252 OAG 1960	ı

JUDGE (COUNTY COURT)—	Page
Basis for per capita salary of judge of a county court on and after April 1, 1960—§1907.081 RC	664
County court judge—May hear cases involving violations of municipal ordinances, when—§§1907.031, 2931.02 RC	149
Fine received for such violation—To be paid into municipal treasury— §\$1907.101, 2931.08 RC	149
Municipal court—Per capita salary of municipal court judge on and after April 1, 1960 should be based on population of territory of court as shown by federal census taken as of that date—§1901.11 RC	730
JURISDICTION—	
Where Magistrate is required to certify case involving violation of local ordinance to court of record in county—Case may be certified to court of common pleas or any municipal court in county—Jurisdiction to hear case—§§2937.08, 2938.04 RC—1548 OAG 1960	705
Jurisdiction—County commissioners, Public Utilities Commission over water and sewage system in unincorporated portions of county—Rates—Mortgage on plant bought or received as gift—No authority to pay mortgage out of county funds—§§6103.02, 6117.01, 4905.02, 4905.03, 5301.24 RC—Chapter 4905 RC	673
JURY FEES—	
Payment of jury fee in actions of forcible entry and detained in a county court—Payment of jury fees in other civil cases in county court—§§1913.12, 1907.291 RC Div. (m)	343
LAND SALE, FORFEITED—	
A deputy county auditor, in the absence of the county auditor, may sign, execute and deliver a deed to the purchaser in a forfeited land sale—§§319.05, 3.06, 5723.12 RC	559
LANDS (DEDICATED FOR ROAD PURPOSES)—	
Lands dedicated for road purposes—Constitute a public road A road so dedicated outside of any county or state road—It is a town-ship road—Trustees must maintain road—§\$5553.31, 711.091, 5535.01,	655
(C) RC	655
LEVY-	
Regarding the form of ballot to be used this year for the renewal of special levies—Reduction of levy—§\$5713.11, 5705.25 RC	605
LIBRARIES—	
Law libraries, funds, payment to fund by municipal court clerks, amounts, enforcement—§3375.50 RC—Paragraph 2 of syllabus of Opinion 1645 OAG 1952, approved and followed	57

LIBRARY TRUSTEES, BOARD OF—	Page
Board of library trustees may accept common and/or preferred stocks and for bonds as a specific bequest under—A testator or donor may attack a condition to a specific bequest, gift or endowment—The investing of moneys derived from sale of above by the clerk of a board of library trustees—Securities—§§3375.40 (J), 135.01 et seq. RC—3052 OAG 1953, p. 439	489
LIBRARY TRUSTEES—	
The boards of library trustees, are authorized to contract with one of such boards of library trustees for the joint purchasing of supplies, equipment, etc.—§§3375.06-3375.30, 3375.40 (C) RC	468
Board of library trustees may, under §3375.22 RC procure insurance policies insuring officers and employees of library when driving motor vehicles owned by them for and on behalf of the library—No authority for purchase of insurance covering these privately owned vehicles when not driven for or on behalf of such libraries—§§3375.401, 3375.33 RC—1252 OAG 1960	481.
LIBRARY, DESTRUCTION OF RECORDS—	
Neither the township records commission nor the county records commission has authority to order the destruction of records of a library—A board of library trustees has implied authority to order the destruction of nien—Permanent records—§§149.42, 149.38, 3375.10 RC	520
LICENSE, COSMETOLOGY—	
State board of cosmetology—Required to determine in each case whether or not, an applicant for a cosmetologists's license is of good moral character—§4713.04 RC	178
LICENSING—	
Of motor vehicles, highway construction equipment, water truck, subject to, when—§§4501.01, 4503.02 RC—830 OAG 1933, approved and followed	16
LICENSE, OPTOMETRY—	
Qualification to take an examination for a license to practice optometry in 1949 §1295-28, G.C. now changed under §4725.08 RC in 1950 qualifications required if person failed examination in 1949 and applies for examination in 1960—§4725.08 RC—6334 OAG 1943,	
p. 486	403
LIFE INSURANCE GROUP—	
State Educational Institutional employees—And when available— §3917.01 RC	19
LIGHTING—	
Where property owners petition for lighting—The cost of furnishing	
such light shall be paid only from a fund raised by special assessments—§§515.02, 515.08 RC	744

LIMITED PARTNERSHIP ASSOCIATION—	Page
Whether a professional engineer may practice the occupation of engineering through a limited association—Chapter 1783 RC— §§4733.16 RC	448
LOCAL SCHOOL BOARD—NO FUNDS—	
Local school board which has no money in the county treasury to its account cannot receive an advance distribution of tax moneys—No authority for county commissioner to loan, grant, or transfer money—§§321.34, 133.30 RC—3596 OAG 1931, approved and followed	692
MAGISTRATE—	
Where Magistrate is required to certify case involving violation of local ordinance to court of record in county—Case may be certified to court of common pleas or any municipal court in county—Jurisdiction to hear case—\$\$2937.08, 2938.04 RC—1548 OAG 1960	705
MAINTENANCE-	
Limited Access Highway—Intersects with a county road, bridges, underpasses, approaches and guardrails within Highway right-of-way, are included in state highway system—And should be maintained by State Department of Highways—§§5511.02, 5501.01,	007
5591.21 RC	667
MEDICAL AND HOSPITAL SERVICE, CONVICTED PRISONERS— Expenditures for medical and hospital services for convicted prisoners while awaiting transfer to penal institution, should not be included as costs of the prosecution—§§2949.14-2949.18 RC	563
MEMBER, FIRE DEPARTMENT—	
Municipal fire dept.—Member suspended—Without pay—Not a "fine"— Money retained in city treasury and not in Firemen's Relief and Pension Fund	724
Disability benefits—Heart disease—Who pays costs for examinations conducted by three physicians—§§741.10, 741.18 RC	724
MENTAL HYGIENE AND CORRECTION, DEPT. OF DIRECTOR—	
County child welfare board or a county without a county child welfare board may operate a training center under direction and supervision of the commissioner of mental hygiene—§§5127.01, 5127.03 RC	218
METROPOLITAN HOUSING AUTHORITY—	
Metropolitan housing authority—Is a political subdivision of the state—§5923.05 RC—Employees entitled to leave of absence for military service—No loss of pay for period not more than 31 days even if paid for military service—§§5923.05, 3735.27 et seq.—1158 OAG 1960—1468 OAG 1960	625
MILET DV CODVICE	
MILITARY SERVICE— Teacher not entitled to sick leave for period during which said teacher was in military service—§143.29 RC	698

	Page
Leave of absence—Metropolitan housing authority—Is a political subdivision of the state—§5923.05 RC—Employees entitled to leave of absence for military service—No loss of pay for period not more than 31 days even if paid for military service—§§5923.05, 3735.27 et seq.—1158 OAG 1960—1468 OAG 1960	625
An employee of the state of one of its political subdivisions is entitled to leave of absence for military service without any loss of pay for a period not more than 31 days—§5923.05 RC	423
MINERAL RIGHTS—	
As to the reservation of mineral rights in sales of public or other state lands does not apply to a deed for conveyance of lands by the director of public works—§155.01 RC—A.H.B. 139, 100th G.A	700
MONEYS, FOUNDATION, SCHOOL DISTRICT—	
Where entire local school district is transferred to another local school district—Foundation moneys accruing to the receiving district—May not be less than sum of amounts actually received by the two districts separately in year in which transfer was consummated—§§3311.231, 3317.02 RC	101
MONEYS—LOCAL SCHOOL BOARD—	
Local school board which has no money in the county treasury to its account cannot receive an advance distribution of tax moneys—No authority for county commissioner to loan, grant, or transfer money—§§321.34, 133.30 RC—3596 OAG 1931, approved and followed	
MORTGAGE—	
Jurisdiction—County commissioners, Public Utilities Commission over water and sewage system in unincorporated portions of county—Rates—Mortgage on plant bought or received as gift—No authority to pay mortgage out of county funds—§§6103.02, 6117.01, 4905.02, 4905.03, 5301.24 RC—Chapter 4905 RC	
MOTOR VEHICLES—	
Board of library trustees may, under §3375.22 RC procure insurance policies insuring officers and employees of library when driving motor vehicles owned by them for and on behalf of the library—No authority for purchase of insurance covering these privately owned vehicles when not driven for or on behalf of such libraries— §\$3375.401, 3375.33 RC—1252 OAG 1960	
Motor vehicles used to deliver newspapers are not allowed the use of flashing red lights—This type of signal is used only on emergency vehicles within the meaning of division (D) of §4511.011 RC—§§4513.17, 4511.01 RC	
Bureau of, registrar—There is no provision of law which would authorize issuance of motor vehicle registration plates to seat cover companies, car wash companies, polishing companies, etc.—§4503.31 RC.	234
"Policy of bond" issuance by insurance company or surety company must meet requirements of \$_\\$\\$4509.19, 4509.20 RC	210

	Page
Licensing, Highway construction equipment, water truck, subject to, when—§§4501.01, 4503.02 RC—830 OAG 1933 followed	16
COMMON PLEAS, SALARY— Basis for per capita salary of a probate or common pleas judge after April 1, 1960—§141.05 RC—1644 OAG 1960	651
MUNICIPAL, CORPORATION— Funds distributed to a municipal corporation may be used to employ operating personnel and pay other expenses of the maintenance, repair and daily operation of a drawbridge—\$\\$4501.04, 5735.23 RC Annexation of territory to a municipal corporation—Property should be listed on tax duplicate of municipal corporation—Chapter 709 RC—\\$709.17 RC	551
·	, 20
MUNICIPAL COURT— Where Magistrate is required to certify case involving violation of local ordinance to court of record in county—Case may be certified to court of common pleas or any municipal court in county—Jurisdiction to hear case—§§2937.08, 2938.04 RC—1548 OAG 1960	
Per capita salary of municipal court judge and after April 1, 1960 should be based on population of territory of court as shown by federal census taken as of that date—§1901.11 RC	
MUNICIPALITY—	
A municipality may operate a public utility both within and without its corporate limits—Reimburse the original installers—Sec. 6 Art. XVIII OHIO CONSTITUTION	
School District—Regarding the power of a municipality to compel a city school district to comply with city building code in construction on property of school district located in municipality and the requiring of a performance bond—Art. XVIII, Sec. 3, OHIO CONSTITUTION—6325 OAG 1956	
Debt incurring power of—Provisions of §§ 735.071 and 735.074 RC are limitations imposed upon debt incurring power of municipalities, and take precedence over any provision of city charter or ordinance in conflict therewith—§§735.071, 735.074 RC	
NATURAL RESOURCES, DEPT. OF, DIRECTOR—	
Chief of the division of Forestry may, with approval of the Attorney General and the Director of Natural Resources, enter into a lease for removal of oil—§1503.05 RC	
OFFICERS, PUBLIC—	
Change of salary during term—Constitutional prohibition not applicable when members of Board of Professional Engineers and Surveyors per diem payments—§4733.05 RC—Art. II, Sec. 20, OHIO CONSTITUTION—Opinion 978 OAG approved and followed—Am. Sub. H. B. 192, 103rd G.A.	

OHIO BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND SURVEYORS—	Page
Whether a professional engineer may practice the occupation of engineering through a limited partnership association—Chapter 1783 RC—§4733.16 RC	448
OHIO HISTORICAL SOCIETY-	
County Records Commission regarding public records inventory and analysis—Jurisdiction—Retention periods—Employment of trained archivist for conducting records inventories and analysis disposal of copies of a record—§149.38 RC—5661 OAC 1955	335
OHIO PARDON AND PAROLE COMMISSION, CHARMAN-	
Regarding eligibility for parole when sentences are executed cumulatively in Ohio penitentiary—Chapter 2965 RC—§\$5145.01, 2965.31, 2965.01, 2941.43, 2965.35 RC—2791 OAG 1930 p.1924 approved and followed	323
OHIO PARDON AND PAROLE COMMISSION—	
Members of said commission may be reimbursed for traveling while on official business	752
Members may not have any other occupation or employment— §§2965.07, 2965.03, 2965.08 RC—1124 OAG 1960	752
OHIO TURNPIKE COMMISSION—	
Public Employees Retirement System—Ohio Turnpike Commission an employer—Employer's accumulation final—Obligation to pay into— §145.01	77
Point system—Ohio turnpike—Highway within scope of point system law—§§4507.40, 4511.01 to 4511.78, 4511.99, 4513.01 to 4513.36 RC	593
OPTOMETRY, STATE BOARD OF—	
Qualifications to take an examination for a license to practice optometry in 1949 §1295-28 G.C. now changed under §4725.08 RC in 1950 qualifications required if person failed examination in 1949 and applied for examination in 1960—§4725.08 RC—6334 OAG 1943, p. 486	403
PARDON AND PAROLE COMMISSION—	
Consecutive sentences—And eligibility for parole—§§2941.40, 2941.43, 2965.35 RC	392
PARK DISTRICT—	
Commissioners, operation of golf course outside district—Effect of zoning ordinance—§1545.11 RC	51
PAROLE, OHIO PENITENTIARY—	
Regarding eligibility for parole when sentences are executed cumulatively in Ohio penitentiary—Chapter 2965 RC—§§5145.01, 2965.37, 2965.01, 2941.43, 2965.35 RC—2791 OAG 1924 approved and followed	323

PERFORMANCE BUND—	Page
A municipality has no power to compel a city school district to comply with the city building code in construction on property belonging to the school district, and located within the limits of the city, and a municipality may not require of any person a performance bond conditioned on compliance with the city building code for construction work on such property of a school district)
PERSONNEL, DEPT. OF—	
State employee may accumulate vacation leave—Unused vacation leave—§§121.161, 2113.04 RC	531
order applies to the employee only and does not operate to change the classification of a second employee—§§143.09 (F), 143.09-143.10 RC	
PHARMACY, STATE BOARD OF-	
Applying for registration as a pharmacist when the license to practice pharmacy was evolved by state board of pharmacy	411
Admitting to examination a person whose certificate of registration as a pharmacist has been revoked for violating a narcotic law, a felony—§§4729.07, 4729.08, 4729.16 RC—1207 OAG 1960, March 24	
Secy.—A person who is a graduate of a 2 year college of pharmacy, and who has had two years practical drug store experience, is not qualified to be admitted to examination for registration, as a pharmacist—§4729.08 RC	
POINT SYSTEM LAW—	
Ohio turnpike—Highway within scope of point system law—§§4507.40, 4511.01 to 4511.78, 4513.01 to 4513.36, 4511.99 RC	
POLICE (RELIEF OR PENSION FUND)—	
Full time firemen of a municipal fire department, and full time policemen of a municipality—Eligibility to become members of firemen's or police—Relief and pension fund	
Public employees retirement system—Refund—§§741.01 (A), .31 (A), .02, .32, 145.56 RC—2327 OAG 1947	630
POLITICAL SUBDIVISION—	
A port authority is a political subdivision of the state—§§4582, 5739.02 (B) (1) RC	111
PREPAID SALES TAX—	
The time or stage of procedure when some value in money attaches to a prepaid sales tax receipt is at the time such receipt is procured—If the treasurer of state can account for all of the prepaid sales tax receipts received and unsold by him, he is not responsible for a deficiency—An agent of the treasurer is responsible for whatever money damages the state might sustain by reason of a deficiency chargeable to his account—§§5739.05, 5739.06, 5739.07, 5741.08	

PRESIDENT—KENT STATE UNIVERSITY—	Page
Group Life insurance, state educational institution employees: Available to, when—§3917.01 RC	19
PREVAILING WAGE RATE—	
Applicable to full-time regular salaried employees of municipal corporation; when—§§4115.03, 4115.04, 4115.05, 4115.06 RC	
PRIVATE VOLUNTEER FIRE COMPANY—	
Limiting the membership of a fire company for benefit purposes to forty, applies only to a "private volunteer fire company"—§§3310.061 (C), 3310.021, 3310.011 RC	
PROBATE JUDGE (SALARY)—	
Basis for per capita salary of a probate or common pleas judge after April 1, 1960—§141.05 RC—1644 OAG 1960	
PROPERTY—	
Where property owners petition for lighting the cost of furnishing such light shall be paid only from a fund raised by special assessment— §§515.02, 515.08 RC	
PROSECUTING ATTORNEY—	
Adams County—Board of County Commissioners holding realty as trustee of "Charitable Trust"—Court order necessary for conveyance	
Ashland County—County officials who were elected or appointed to office prior to April 1, 1960, should be paid salaries based on the population of their respective counties as shown by the 1950 federal census, however, such officials elected or appointed on or after April 1, 1960, should be paid by the population shown in the 1960 federal census—§§325.03 thru 325.15, 141.05, RC	
Ashtabula County—Township trustees—Not authorized to regulate	
time the township clerk should devote to duties of his office	
Ashtabula County—Office of the township clerk compatible with position of full time employee of county treasurer, if physically possible—§\$505, 507 RC	
Ashtabula County—Position of member of board of township trustees— Incompatible with position of member of volunteer fire department— §505.37 RC	
Ashtabula County—County Sheriff may make a contract with town-ship to provide police protection for said township—§505.441 RC	310
Ashtabula County—Where property owners petition for lighting, the cost of furnishing such light shall be paid only from a fund raised by special assessment—§§515.02, 515.08 RC	
Ashtabula County—Annexation of territory to a municipal corporation—Property should be listed on tax duplicate of such municipal corporation—Chapter 709 RC—§709.17 RC	

	Page
Athens County—Candidates—Shall be notified on or before 20th da after election of requirement to file statement of receipts and expenditures—Where candidate, not so notified, fails to file such statement within specified time—Such candidate is not disqualified from becoming candidate in any future election for period of five years—§§3517.10, 3517.11 RC	c- e- m —
Athens County—When one school district is transferred to another, the tax levy of the receiving district for school purposes inside the termill limitation would apply to the entire newly consolidated district unless—§3311.231 RC	ı- et
Auglaize County—A clerk of a township elected may not at the sam time hold the position of deputy county auditor of the county in which such township is located—§\$507.01, 3.06 RC	h
Clermont County—Basis for per capita salary of judge of a count court on and after April 1, 1960—§1907.081 RC	
Clermont County—Clerk of courts also acting as clerk of a count court may sign and issue a warrant for the arrest of a person- §§1907.101, 2935.10 RC	_
Coshocton County—Fire districts maintaining volunteer fire departments. Served by two departments—Obligation to pay premiums t firemen's dependents fund—§§3310.09, 3310.11, RC	o
Coshocton County—County commissioner may invest inactive count funds in bonds or other obligations of the United States, when- §§321.44, 135.12, 135.141—1899 OAG 1958 paragraph 3 of the syllabus—860 OAG 1959 paragraph 4 OVERRULED	_ , <u>-</u>
Cuyahoga County—Teacher not entitled to sick leave for period durin which said teacher was in military service—§143.29 RC	
Cuyahoga County—Board of library trustees may, under §3375.22 R procure insurance policies insuring officers and employees of librar when driving motor vehicles owned by them for and on behalf of the library—No authority for purchase of insurance covering these privately owned vehicles when not driven for or on behalf of succeivers—§§3375.401, 3375.33 RC—1252 OAG 1960	y e e h
Cuyahoga County—County commissioners—Not authorized by any provision of law to adopt regulations—Issue permits—Collect fees—Etc.—§307.37 RC	_
Cuyahoga County—"Specific goods" as contained in division (D) of \$1317.01 RC includes insurance policies—Retail installment sale of an insurance policy is subject to provisions of Chapter 1317 RC—\$\\$1317.01, 1315.01 RC—Chapter 1317 RC	f
Darke County—Fee to be charged by county recorder for recordin assignments of mortgages, leases and liens—§317.32 (A), .32 (B) .32 (G) RC—§2127.19 RC	g
Defiance County—Per capita salary of municipal court judge on an after April 1, 1960 should be based on population of territory of court as shown by last federal census of that date—§1901.11 RC	f
Defiance County—A person receiving "soldiers' relief" under Chapte 5901 RC is not receiving "poor relief" within the purview of §5113.0 RC §5113.05 RC—Chapters 5113, 5901 RC	5

	Page
Delaware County—Limited Access Highway—Intersects with a county road, bridges, underpasses, approaches and guardrails within Highway right-of-way, are included in state highway system—And should be maintained by State Department of Highways—§§5511.02, 5501.01, 5591.21 RC	667
Delaware County—Board of township trustees—May create and establish only one township zoning commission—§519.04 RC	274
Franklin County—Rural zoning, amendment to resolutions, notice of, purpose of, and contents—§303.12 RC—Am. Sub. H. B. 112, 103rd G.A.	
Franklin County—Jurisdiction—County commissioners, Public Utilities Commission over water and sewage system in unincorporated portions of county rates—Mortgage on plant bought or received as gift—No authority to pay mortgage out of county funds—§§6103.02, 6117.01, 4905.02, 4905.03, 5301.24 RC—Chapter 4905 RC	673
Fulton County—Subdivision—Survey and plat lands conveyed recorder, records such plats—Transfer of such land by auditor—Approval of plat by county health commissioner—Chapter 711.011 (B), .40, .05, .04, .041 RC	733
Gallia County—Expansion of territory of Municipal Court to include area of existing county court—County court is abolished—§§1901.02, 1901.04, 1907.011 RC	130
Gallia County—The purchasing of assessment mutual fire insurance by local board of education on its improvements and authorized issuance of same—§3939.01 RC—1214 OAG 1952 p. 187-190	427
Guernsey County—Vacancy—On board of township trustees to fill the vacancy of unexpired term is limited to a period of thirty days after occurence of vacancy—§503.24 RC	289
Hamilton County—County commissioner—Operating a county home, may provide all necessary medical and surgical services in the home itself—Chapter 5155 RC—§§5155.22, 5155.27 RC	201
Harrison County—Designation of county sheriff as ministerial officer of county court does not authorize such sheriff to accept cash appearance bonds—§§1907.511, 2937.22, RC	560
Henry County—Elective position of township clerk is incompatible with the position of state department of highway employee but is not incompatible if position is not in the classified civil service— §§143.41, 507.01 RC—223 OAG 1959	597
Highland County—The prosecuting attorney of a county is the legal advisor of a joint township hospital board—But is not the legal advisor of a board of hospital governors—§§513.07, 513.16, 513.17 RC.	205
Highland County—Mayor of a village has jurisdiction to hear and determine all prosecutions for violations of ordinances, when—§\$1905.09, 1905.11, 2945.17, 2938.04, 1907.031, 1901.04 RC	183
Jackson County—Board of Township Trustees—Acquires additional grounds for cemetery purposed—Must enclose such grounds with a fence or hedge—\$517.13, .11 RC	727
Jefferson County—Schools, Immunization of pupils, expense of, borne by whom—§3313.671 RC	32

	Page
Jefferson County—Pinball machine which contains the element of prize and chance, but not prize is not a gambling device—§§4461 and 4462 of Title 26, United States Code—Chapter 2915 RC	196
Jefferson County—Village council has authority to determine qualifications for office of village marshal—§737.15 RC	262
Jefferson County—A person who seeks a party nomination for an office or position at a primary election by declaration of candidacy is not eligible to be certified as a candidate of a political party at the following general election—§§3513.04-3513.31	647
Lake County—Law libraries, funds, payment to fund by municipal court clerks, amounts, enforcement—§3375.50 RC—Par 2 syllabus of Opinion 1635 OAG 1952, approved and followed	57
Lake County—County budget commission—Prohibited from reducing rate of any levy for current school operating expenses—No authority for such act can be implied from the power of the superintendent of public instruction—§§5713.11, 3317.02 RC	249
Lake County—The registration of voters at the first general registration	611
Lake County—Qualified voter may register at board of elections if absent from precinct on day set for registration	611
Lake County—Valid reason for being absent—§3503.06, .08, .27, RC	611
Lake County—The appointment of an assistant commissioner in any county having two judges of the court of common pleas—§§2335.03, 2335.04 RC	741
Lorain County—A municipal court has territorial jurisdiction in municipal corporations and townships which extend from the shores of Lake Erie southward, such municipal court, unless specifically authorized by statute, does not have jurisdiction—§§1901.02, 1531.18	546
Lucas County—Power of Board of County Comm. to purchase site and construct buildings for training school for retarded children	617
Lucas County—To use the proceeds of a levy in excess of the ten-mill limitation for the purpose of constructing a permanent improvement—§§307.02, 5153.16, 5705.19 RC	617
Lucas County—Board of trustees of a county tuberculosis hospital— Deposit any surplus funds in their control—In designated and qualified public depositories—§339.26 RC	265
Lucas County—There is no authority in §5153.01 et seq. RC allowing a county child welfare board to purchase real property—§§5153.01, 5153.34, 5153.35—1168 OAG 1946, p. 628	408
Mahoning County—Public school may not withhold the transfer of credits of, or refuse a diploma to, a student on grounds that said student has to pay school fees assessed against him—§§3313.48, 3313.64 RC	712
Mahoning County—Basis for per capita salary of a probate or common pleas judge after April 1, 1960—\$141.05 RC—1644 OAG 1960	651

	Page
Mahoning County—Metropolitan housing authority—Is a political subdivision of the state—§5923.05 RC—Employees entitled to leave of absence for military service—No loss of pay for period not more than 31 days even if paid for military service—§\$5923.05, 3735.27 et seq.—1158 OAG 1960—1468 OAG 1960	625
Mahoning County—Ohio turnpike—Highway within scope of point system law—§§4507.40, 4511.01 to 4511.78, 4513.01 to 4513.36, 4511.99 RC	593
Mahoning County—Authority of board of health of general health district to require registration of persons engaged in plumbing in district and to charge fees for registration—§§3707.01, 3709.21, RC—2760 OAG 1953 p. 264	398
Marion County—When several school districts are consolidated into one new school district the contracts of teachers become the obligation of the new consolidated board of Education	257
Marion County—The board of Education of the new school district must adopt a teachers' schedule—§§3319.18, 3319.12 RC	257
Marion County—Public library boards—Are not subject to liability for claims arising in tort—Therefore have no authority to purchase liability insurance—§3375.33, RC	241
Medina County—County recorder is required to charge the fees for the recording of a transcript of proceedings and of petition and plat—Board of Township Trustees delivering such is responsible for payment of fees—§§317.32, 707.19 RC	380
Medina County—County Court judge—May hear cases involving violations of municipal ordinances, when—§\$1907.031, 2931.02 RC	149
Medina County—Fine received for such violation—To be paid into municipal treasury—§§1907.101, 2931.08 RC	149
Medina County—County Court judge—May hear cases involving violations of municipal ordinances, when—§§1907.031, 2931.02 RC	149
Fine received for such violation—To be paid into municipal treasury— §§1907.101, 2931.08 RC	149
Meigs County—One person may simultaneously hold the position of county attendance officer and township trustee within the same county—§3321.15 RC	
Miami County—Regarding the form of ballot to be used this year for the renewal of special levies—Reduction of levy—§§5713.11, 5705.25 RC	
Montgomery County—Regarding authority of county recorder to enter into an agreement with a private concern in which such concern would make enlarged copies of microfilm records—§§9.01, 317.13 RC—6935 OAG	
Montgomery County—A member of military service who lives off base— May be considered resident of state for voting purposes— §3503.01 RC—Art. V, Sec. 5, OHIO CONSTITUTION	
Montgomery County—Office of County Administrator—Incompatible with office of mayor of village in same county	:

	Page
Montgomery County—Board of County Commissioners—May not engage executive secretary	134
Morgan County—Local school board which has no money in the county treasury to its account cannot receive an advance distribution of tax moneys—No authority for county commissioner to loan, grant, or transfer money—§§321.34, 133.30 RC—3596 OAG 1931, approved and followed	692
Paulding County—Payment of jury fees in actions of forcible entry and detained in a county court—Payment of jury fees in other civil cases in county court—§1913.12 RC—§1907.291 RC Div. (m)	343
Pike County—An ordinance fixing the salary of a village mayor is an ordinance of a general nature which requires publication—§731.20 RC	583
Pike County—Office of member of board of elections—Compatible with position of judge of county court unless county judge is candidate for elective office—§3501.15 RC	139
Preble County—A board of education which has entered an agreement with an adjoining school district of neighboring state for joint establishment and maintenance of a school—And termination of said agreement—§3313.42 RC	389
Preble County—Regarding a warrant of the Auditor of State which has been stolen after delivery to the payee and the issuing of a duplicate of such a warrant—§115.38 RC	362
Preble County—Where the county auditor by a clerical error describes cerain land in the tax duplicate as being in one school district when in fact it is located in another, he has a duty to correct such error— §§319.35, 5713.19 RC	718
Putnam County—County auditor—Is without authority to make any deductions from salaries of county employees for the purpose of a municipal corporation income tax ordinance—2592 OAG 1948 approved and followed—835 OAG 1946 approved and followed	224
Putnam County—Where there is a bail forfeiture the magistrate or clerk of the court adjudging forfeiture may satisfy the amount of the accrued costs in the case out of the amount of bail—\$\$2937.36, 5503.04	418
RC Richland County—Bridges, located on state highway within municipality, county commissioner obligation to construct, bond issue, borrowing, pledge of funds—§§5591.02, 5591.21 RC	415 35
Richland County—Whether zoning regulations adopted by a township pursuant to §591.02, et seq. RC apply to lands owned by a conservancy district created pursuant to Chapter 6101 RC—And concerning use of property—§519.02 et seq. RC—Chapter 6101 RC—4231 OAG 1954 p. 470	442
Ross County—County Coroner—May not receive payment of extra compensation for performance of official autopsy	98
Ross County—Assistant Coroner—To be paid salary cannot be paid on basis of official autopsies performed—§§313.05, 325.15 RC	
Summit County—Primary duty for repair and maintenance of a culvert at intersection of state highway and township highway—§§5501.02, 5517.02, 5525.19 RC	

	Page
Summit County—Board of township trustees nor township board of zoning appeals—Pay the reasonable and necessary costs of postage and advertising where a stenographic record is made of a hearing, the cost should be borne by the party which requested the record— §519.15 RC—7111 OAG 1956—895 OAG 1959	
Summit County—Expenditures for medical and hospital service for convicted prisoners while awaiting transfer to a penal institution, should not be included as costs of the prosecution—§§2949.14-2949.18 RC	
Summit County—Lands dedicated for road purposes—constitute a public road	655
Summit County—A road so dedicated outside of any county or state road—It is a township road—Trustees must maintain road— §§5553.31, 711.091, 5535.01, (C) RC	
Trumbull County—Prevailing wage rate—Applicable to fulltime regular salaried employees of municipal corporation; when—§§4115.03, 4115.04, 4115.05, 4115.06 RC	
Tuscarawas County—Funds from county general fund—May not be transferred to county maintenance fund—Money for such maintenance fund derived solely from assessments provided in—§§6137.02, 6137.03 RC	
6137.03 RC	86
Union County—A six member board of county hospital trustees appointed pursuant to §339.02 RC should be bipartisan, made up of three members of each of the two political parties—§339.02 RC	
Warren County—Motor Vehicles, licensing, Highway construction equipment, water truck, subject to, when—§§4501.01, 4503.02 RC—830 OAG 1933 followed	
Warren County—State conservancy district or political subdivision—Authority to designate—"Designated water ski zone" or "designated bathing area"—§§1547.08, 1547.09, 1547.14, 1547.20 RC	28
Warren County—State Conservancy district or political subdivision—Authority to designate—"Designated water ski zone" or "Designated bathing area"—§§1547.08, 1547.09, 1547.14, 1547.20 RC	
Warren County—A county court is not a court of record and in a criminal case in a county court where the defendant is entitled to a trial by jury and does not waive such right, the judge is required to certify the case to a court of record in the county and—§§1907.012, 2937.08, 2938.04, 3773.22, 2938.10, 2938.13	
Warren County—A deputy county auditor, in the absence of the county auditor, may sign, execute and deliver a deed to the purchaser in a forfeited land sale—§§319.05, 3.06, 5723.12 RC	559
Washington County—Powers and duties of county dog warden— Authority to confine dog running at large when dog is wearing a valid registration tag—§§955.12, 951.02 RC—Chapter 955 RC	

	Page
Washington County—Where entire local school district is transferred to another local school district—Foundation moneys accruing to the receiving district—May not be less than sum of amounts actually received by the two districts separately in year in which transfer was consummated—§§3311.231, 3317.02 RC	101
Williams County—County Engineer—Schedule of assessments—parcel of real estate—§§6131.15, 6131.01 (F) (G) RC	661
Wyandot County—Where a board of health of a general health district desires to require that dogs in the district be vaccinated for rabies—Procedure specified by §955.26 RC must be followed in the adoption of such requirement—§§955.26, 3709.21 RC	249
PUBLIC ACCOUNTING—	
Performance of official duties by fiscal officers of state and political subdivisions and keeping of records by these officers—§§4701.01 to 4701.19, inclusive, and 4701.99 RC—A. H. B. 544—103rd G.A	387
PUBLIC EMPLOYEES RETIREMENT SYSTEM—	
Public employees retirement system—Does member who withdraws contributions and thus has forfeited all service credit, regain military service credit and re-established service credit when he makes a re-	
storation payment—\$145.31 RC—6475 OAG 1956 p. 333	477
Members of public employees retirement board—Are employees and are covered by the workmen's compensation law—§4123.01 RC	246
Public Employees Retirement System—Ohio Turnpike Commission on employer—Employer's accumulation final—Obligation to pay into—§145.01 RC	
Benefits and rights to one who understated age-§145 RC	40
PUBLIC INSTRUCTION—	
Transfer of entire school district to another district	302
Foundation program monies shall not be less in succeeding 3 years	
after transfer than the sum received separately by the districts during year which transfer was consummated—§3317.02 RC	
PUBLIC LIBRARY—	
Public library boards—Are not subject to liability for claims arising in tort—Therefore have no authority to purchase liability insurance— §3375.33 RC	
PUBLIC OFFICERS—	
Change of salary during term, constitutional prohibition not applicable, when—Members of board of Professional Engineers and Surveyors per diem payments—§4733.05 RC—Art. II, Sec. 20, OHIO CONSTITUTION—Opinion 978 OAG approved and followed—Am S. B. 192, 103rd G.A.	l)

PUBLIC ROAD—	Page
Lands dedicated for road purposes—Constitute a public road	655
A road so dedicated outside of any municipal corporation—And is not designated county or state road—It is a township road—Trustees must maintain road—§§5553.31, 711.091 (C) RC	
PUBLIC UTILITY—	
A municipality may operate a public utility both within and without its corporate limits—Reimburse the original installers—Sec. 6, Art. XVIII, OHIO CONSTITUTION	
PUBLIC UTILITIES COMMISSION—	
Jurisdiction—County commissioners—Public Utilities Commission over water and sewage system in unincorporated portions of county—Rates—Mortgage on plant bought or received as gift—No authority to pay mortgage out of county funds—§§6103.02, 6117.01, 4905.02, 4905.03, 5301.24 RC—Chapter 4905 RC	673
PUBLIC WORKS, DEPT. OF, DIRECTOR—	
As to the reservation of mineral rights in sales of public or other state lands does not apply to a deed for conveyance of lands by the director of public works—§155.01 RC—Am. H. B. 139, 100th G.A	700
PURCHASING, LIBRARY SUPPLIES—	
The boards of library trustees, are authorized to contract with one of such boards of library trustees for the joint purchasing of supplies, equipment, etc—§§3375.06-3375.30, 3375.40 (C) RC	
QUALIFICATIONS, PHARMACIST—	
A person who is a graduate of a 2 year college of pharmacy, and who has had two years practical drug store experience, is not qualified to be admitted to examination for registration, as a pharmacist— §4729.08 RC	468
RATES—	
Jurisdiction—County commissioners, Public Utilities Commission over water and sewage system in unincorporated portions of county—Rates—Mortgage on plant bought or received as gift—No authority to pay mortgage out of county funds—§§6103.02, 6117.01, 4905.02, 4905.03, 5301.24 RC—Chapter 4905 RC	673
REAL ESTATE—	
County Engineer—Schedule of assessments—Parcel of real estate— §§6131.15, 6131.01 (F) (G) RC	661
RECLASSIFICATION—	
Where the state personnel board of review orders the director of state personnel to reclassify a state employee, such order applies to that employee only and does not operate to change the classification of a second employee—§§143.09 (F), 143.09-143.10 RC	579

RECORD, COURT OF-	Page
A county court is not a court of record and in a criminal case in a county court where the defendant is entitled to a trial by jury and does not waive such right, the judge is required to certify the case to a court of record in the county and—§§1907.012, 2937.08, 2938.04, 3773.22, 2938.10, 2938.13	495
RECORDER, COUNTY—	
Subdivision—Survey and plat lands conveyed recorder, records such plat—Transfer of such land by auditor—Approval of plat by county health commissioner—Chapter 711.011 (B), .40, .05, .04, .041 RC	733
RECORDS DISPOSAL—	
County Records Commission regarding public records, inventory and analysis—Jurisdiction—Retention periods—Employment of trained archivist for conducting records inventories and analysis disposal of copies of a record—§149.38 RC—5667 OAG 1955	
RECORDS, LIBRARY—	
Neither the township records commission nor the county records commission has authority to order the destruction of records of a library—A board of library trustees has implied authority to order the destruction of men—Permanent records—§§149.42, 149.38, 3375.10 RC	520
REGISTRATION (ELECTIONS)—	
The registration of voters at the first general registration	611
Qualified voter may register at board of elections if absent from precinct on day set for registration	611 611
REGISTRATION PLATES—	
There is no provision of law which would authorize issuance of motor vehicle registration plates to seat cover companies, car wash companies, polishing companies, etc.—§4503.31 RC	
RELIEF AND PENSION FUND—	
Full time firemen of a municipal fire department, and full time policemen of a municipality—Eligibility to become members of firemen's or police—Relief and pension fund	
Public employees retirement system—Refund—§§741.01 (A), .31 (A), .02, .32, 145.56 RC—2327 OAG 1947	630
REPRESENTATIVE TO CONGRESS—	
Position of representative to Congress is incompatible with the position of member of the State Board of Education—§3301.031 RC	
REQUIREMENTS, PHARMACIST—	
A person who is a graduate of a 2 year college of pharmacy, and who has had two years practical drug store experience, is not qualified to be admitted to examination for registration as a pharmacist— §4729.08 RC	

RETARDED CHILDREN—	Page
Power of Board of County Comm. to purchase site and construct buildings for training school for retarded children	617
To use the proceeds of a levy in excess of the ten-mill limitation for the purpose of constructing a permanent improvement—§§307.02, 5153.16, 5705.19 RC	617
RETIREMENT, PUBLIC—	
Members of public employees retirement board—Are employees and are covered by the workmen's compensation law—§4123.01 RC	246
RETIREMENT SYSTEM—	
Public employees, benefits and rights to one who understated age— §145 RC	40
RURAL ZONING—	
Amendment to resolutions, notice of, purpose of, and contents— §303.12 RC—Am. S. B. 112, 103rd G.A	11
REAL PROPERTY—	
There is no authority in §5153.01 et seq. RC allowing a county child welfare board to purchase real property—§\$5153.01, 5153.34, 5153.35—1168 OAG 1946, p. 628	
REGISTRATION, PHARMACY—	
Applying for registration as a pharmacist when the license to practice pharmacy was revoked by state board of pharmacy	
Admitting to examination a person whose certificate of registration as a pharmacist has been revoked for violating a narcotic law, a felony—§§4729.07, 4729.16, 4729.08 RC—1207 OAG 1960, March 24.	
REGISTRATION—	
Authority of board of health of general health district to require registration of persons engaged in plumbing in district and to charge fees for registration—§§3707.011, 3709.21 RC—2760 OAG 1953, p. 264	
SALARIES, JUSTICE OF THE PEACE—	
A board of county commissioners is under the mandatory duty to pay to persons who served as justices of the peace between January 1, 1956 and December 31, 1957 a sum equal to the total fees collected—Any month during such period they did not receive regular salaries and such board is not authorized to pay any salaries—§§1907.33, 1907.34, 1907.32, 1907.47—Am. H. B. 364 for November 10, 1959	
SALARIES, COUNTY OFFICIALS—	
County officials who were elected or appointed to office prior to April 1, 1960, should be paid salaries based on the population of their respective counties as shown by the 1950 federal census, however, such officials elected or appointed on or after April 1, 1960, should be paid by the population shown in the 1960 federal census— §§325.03 thru 325.15, 141.05 RC	
220-0:00 pute amoito' tation If	500

SALARY, MUNICIPAL EMPLOYEES—	Page
Prevailing wage rate—Applicable to full-time regular salaried employees of municipal corporation; when—§§4115.03, 4115.04, 4115.05, 4115.06 RC	
SALARY, OF MUNICIPAL COURT JUDGE—	
Per capita salary of municipal court judge on and after April 1, 1960 should be based on population of territory of court as shown by federal census taken as of that date—§1901.11 RC	
SALARY (PROBATE AND COMMON PLEAS JUDGES)—	
Basis for per capita salary of judge of a county court on and after April 1, 1960—§141.05 RC—1644 OAG 1960	
SALARY—	
Basis for per capita salary of judge of a county countr and and after April 1, 1960—§1907.081 RC	664
SALE, PUBLIC OR OTHER STATE LAND-	
As to the reservation of mineral rights in sales of public or other state lands does not apply to a deed for conveyance of lands by the director of public works—§155.01 RC—Am. H. B. 139, 100th G.A	700
SECRETARY OF STATE—	
The definition of the word "place" used in §1701.04 (A) (2) RC—In regards to requiring the articles of incorporation presented for filing to state a street address—§§1701.04 (A) (2), 1701.07 (C) RC.	
Submission to voters by board of education of a proposed additional tax levy for school purposes—\$\\$5705.21, 3501.01 RC	485
Articles of Incorporation of Paulding, Ohio, Development Corporation Computing a fee to be charged relating to an increase in the authorized number of shares of a corporation—§111.16 (B) RC	
Corporations—May not amend articles of incorporation to provide for new corporate purpose if chapter of Revised Code under which corporation formed is repealed—§§1731.01, 1701, 1702 RC—Art. XIII,	
Sec. 2, OHIO CONSTITUTION	154
Term "year" construed as 365 days except leap year which includes 366 days—Art. XVIII, Sec. 8, OHIO CONSTITUTION	128
SERVICES—	
Persons convicted on six separate indictments, each containing one count—Sheriff or police officer may charge fee for services for each indictment—§§311.17, 509.15, 1903.12, 2941.04 RC	
SERVICE CREDIT—	
Public employees retirement system—Does member who withdraws contributions and thus has forfeited all service credit, regain military service credit and re-established service credit when he makes a restoration payment—§145.31 RC—6475 OAG 1956, p. 333	

SEWAGE—	Page
Jurisdiction—County commissioners, Public Uitilities Commission over water and sewage system in unincorporated portions of county—Rates—Mortgage on plant bought or received as gift—No authority to pay mortgage out of county funds—§§6103.02, 6117.01, 4905.02, 4905.03, 5301.24 RC—Chapter 4905 RC	•
SCHEDULE OF ASSESSMENTS—	
County Engineer—Schedule of assessments—Parcel of real estate— §§6131.15, 6131.01 (F) (G) RC	
SCHOOL CONSOLIDATING—	
When one school district is transferred to another, the tax levy of the receiving district for school purposes inside the ten-mill limitation would apply to the entire newly consolidated district unless—§3311.231 RC	1
SCHOOLS—	
Immunization of pupils, Expense of, borne by whom-\$3313.671 RC	. 32
SCHOOL, PUBLIC—	
Public school may not withhold the transfer of credits of, or refuse a diploma to, a student on grounds that said student has to pay school fees assessed against him—§§3313.48, 3313.64 RC	l
SCHOOLS	
Teachers—Additional duties, power or board to compensate for- §§3318, 3313.20 RC	
SCHOOL DISTRICTS—	
Transfer of entire school district to another district	. 302
Foundation program monies shall not be less in succeeding 3 years after transfer than the sum received separately by the districts during year which transfer was consummated—§3317.02 RC	-
Where the county auditor by a clerical error describes certain land in the tax duplicate as being in one school district when in fact it is located in another, he has a duty to correct such error—§§319.35 5713.19 RC	s ,
SCHOOL DISTRICT, CITY—	
Regarding the power of a municipality to compel a city school district to comply with city building code in construction on property of school district located in municipality and the requiring of a performance bond—Art. XVIII, Sec. 3, OHIO CONSTITUTION—632. OAG 1956	f :- 5

SCHOOL DISTRICT—	Page
A municipality has no power to compel a city school district to comply with the city building code in construction on property belonging to the school district, and located within the limits of the municipality, and a municipality may not require of any person a performance bond conditioned on compliance with the city building code for construction work on such property of a school district—\$5.9716, Personal performance bond, Cleveland, Ohio—\$5.972701, Master Plumbers Bond—6325 OAG March 1, 1956—3865 OAG 1922	436
SCHOOL DISTRICT, LOCAL, TRANSFER—	
Where entire local school district is transferred to another local school district—Foundation moneys accruing to the receiving district—May not be less than sum of amounts actually received by the two districts separately in year in which transfer was consummated—§§3311.231, 3317.02 RC	101
SICK LEAVE—	
Teacher not entitled to sick leave for period during which said teacher was in military service—§143.29 RC	698
Public agencies include only state, counties, municipal corporation and boards of Education—Transfer of employees from one public agency to another are credited with the unused balance of their accumulated sick leave—This does not apply to; employee of a city or general health district transfering to State Dept. of Health—§143.29 RC	298
SOLDIERS RELIEF—	
A person receiving "soldiers' relief" under Chapter 5901 RC is not receiving "poor relief" within the purview of §5113.05 RC—\$5113.05 RC—Chapters 5113, 590 RC	365
SPECIFIC BEQUEST—	
Board of library trustees may accept common and/or preferred stocks and/or bonds as a specific bequest under—A testator or donor may attach a condition to a specific bequest, gift or endowment—The investing of moneys derived from sale of above by the clerk of a board of library trustees—Securities—§§3375.40 (J), 135.01 et seq. RC—3052 OAG 1956, p. 439	489
STATE AUDITOR—	
Board of Education may execute 5 year irrevocable rental agreement for office equipment—Equipment rentals regarding "permanent improvement" Board of Education may expend public funds for insurance on office equipment leased—§§3313.17, 5705.41, 1133.01, 133.24, 3313.27 RC	305
STATE BOARD OF EXAMINERS OF ARCHITECTS—	
An adjudication hearing by State Board of Examiners of Architects	50 4
of the State of Ohio	524 524

STATE HIGHWAY PATROL, SUPERINTENDENT—	Page
"Drag Racing"—prima facie evidence, when—§4511.251 (A)	145
STATE INSTITUTION—	
Child entitled to free education in school district in which a state institution for the feeble-minded is located	539
A child transferred to foster home from institution is entitled to free education—§§5123.03, 3313.64, 5123.12, RC	539
STATE TEACHERS RETIREMENT—	
The right to receive payment of survivor benefits granted in \$3307.49 (B) (1) RC—Whether benefits to survivor beneficiaries may be increased under \$3307.49 RC—\$3307.49, (B) (1)—3307.49, RC—816 OAG 1951, p. 598	
STATE TEACHERS RETIREMENT SYSTEM OF OHIO—	
Members of the State Teachers Retirement System of Ohio—Marriage	
or divorce shall constitute an automatic revocation of previous designation of beneficiary—§3307.48	
STATE TREASURER—	
The time or stage of procedure when some value in money attaches to a prepaid sales tax receipt is at the time such receipt is procured— If the treasurer of state can account for all of the prepaid sales tax receipts received and unsold by him, he is not responsible for a deficiency—An agent of the treasurer of state is responsible for whatever money damages the state might sustain by reason of a deficiency chargeable to his account—§§5739.05, 5739.06, 5739.07, 5741.08	• : •
STUDENT—	
Public school may not withhold the transfer of credits of, or refuse a diploma to, a student on grounds that said student has to pay school fees assessed against him—§§3313.48, 3313.64 RC	
SUBDIVISION-	
Subdivision—Survey and plat lands conveyed recorder, records such plat—Transfer of such land by auditor—Approval of plat by county health commissioner—Chapter 711.011 (B), .40, .05, .04, .041 RC	•
SUPERINTENDENT OF PUBLIC INSTRUCTION—	
Teachers salary schedule—No specified time for filing	114
Teachers entitled to service credit—Time spent in armed forces prior to first job of teaching	
Service credit provisions—Applicable to all teachers currently employed—§§3317.06, 3317.14 RC—Opinion 926 OAG 1959 followed	
SURVEY—	
Subdivision—Survey and plat lands conveyed recorder, records such plat—Transfer of such land by auditor—Approval of plat by county health commissioner—Chapter 711.011 (B), 711.40, 711.05, 711.041 RC	

SURVIVOR BENEFITS—	Page
The right to receive payment of survivor benefits granted in §3307.49 (B) (1) RC—Whether benefits to survivor beneficiaries may be increased under §3307.49 RC—§3307.49, (B) (1)—3307.49 RC—816 OAG 1951, p. 598	418
SUSPENSION, FIREMAN—	
Municipal fire dept.—Member suspended without pay—Not a "fine"— Money retained in city treasury and not in Firemen's Relief and Pension Fund	
Disability benefits—Heart disease—Who pays costs for examinations conducted by three physicians—§§741.10, 741.18 (C) RC	
TAX—	
Annexation of territory to a municipal corporation—Property should be listed on tax duplicate of such municipal corporation—Chapter 709, 709.17 RC	
TAX COMMISSIONER, DEPARTMENT OF TAXATION—	
Port authority is a political subdivision of the state—§§4582, 5739.02 (B) (1) RC	111
TAX COMMISSIONER OF OHIO— Fees, filing clerk of courts, Judgment entry for sales tax, subject to— Payment in advance, not required for tax commissioner—§§2303.20, 5739.13, 109.19 RC	2
MAY COPRODATION	
TAX—CORPORATION— County auditor—Is without authority to make any deductions from salaries of county employees for the purposes of a municipal corporation income tax ordinance—2592 OAG 1948 approved and followed—825 OAG 1946 approved and followed	
TAX LEVY—	
Submission to voters by board of education of a proposed additional tax levy for school purposes—§§5705.21, 3501.01 RC	
TAX LEVY, SCHOOL CONSOLIDATION—	
When one school district is transferred to another, the tax levy of the receiving district for school purposes inside the ten-mill limitation would apply to the entire newly consolidated district unless—§3311.231 RC	-
TEACHER—	
Teacher not entitled to sick leave for period during which said teacher was in military service—§143.29 RC	. 698
TEACHERS—	
School—Additional duties, power of board to compensate for— §§3318.08, 3313.20 RC	- . 1

TERRITORIAL JURISDICTION—	Page
A municipal court has territorial jurisdiction in municipal corporations and townships which extend from the shores of Lake Erie southward, such municipal court, unless specifically authorized by statute, does not have jurisdiction—§§1901.02-1531.18	546
TOWNSHIP TRUSTEES, BOARD OF-	
Board of township trustees—Acquires additional grounds for cemetery purposes—must enclose such grounds with a fence or hedge—§517.13 RC	727
TOWNSHIP TRUSTEES—	
County recorder is required to charge the fees for the recording of a transcript of proceedings and of petition and plat—Board of Township Trustees delivering such is responsible for payment of fees— §§317.32, 707.19 RC	380
Board of township trustees or township board of zoning appeals—Pay the reasonable and necessary costs of postage and advertising—Where a stenographic record is made of a hearing, the cost should be borne by the party which requested the record—§519.15 RC	553
Board of township trustees—May create and establish only one township zoning commission—§519.04 RC	274
One person may simultaneously hold the position of county attendance officer and township trustee within the same county—§3321.15 RC	189
TOWNSHIP—	
Whether zoning regulations adopted by a township pursuant to §591.02 et seq. RC apply to lands owned by a conservancy district created pursuant to Chapter 6101 RC—And concerning use of property—§519.02 et seq. RC—Chapter 6101 RC—4231 OAG 1954, p. 470	442
TOWNSHIP CEMETERY—	
Board of Township trustees—Acquire additional grounds for cemetery purposes must enclose such grounds with a fence or hedge—§§517.13, .11 RC	727
TOWNSHIP CLERK—	
Elective position of township clerk is incompatible with the position of state department of highway employee but is not incompatible if position is not in the classified civil service—§§143.41, 507.01 RC—223 OAG 1959	
MONINGHID INCOME AND	
TOWNSHIP HIGHWAYS— Primary duty for repair and maintenance of a culvert at intersection	
of state highway and township highway—\$\\$5501.02, 5517.02, 5525.19 RC	
TOWNSHIP, POLICE PROTECTION—	
County sheriff may make a contract with township to provide police protection for said township—§505.441 RC	310

TOWNSHIP ROADS—	Page
Assessment for any part of the cost of road improvements by the county engineer pursuant to an agreement between the board of township trustees and board of county commissioners—§§307.15, 5573.07, RC—7494 OAG 1956, p. 888	503
TRANSFER	
Subdivision—Survey and plat lands conveyed recorder, records such plat—Transfer of such land by auditor—Approval of plat—By county health commissioner—Chapter 711.011 (B), .40, .05, .04, .041 RC	
VACANCY—	
Vacancy—On board of township trustees to fill the vacancy of unexpired term is limited to a period of thirty days after occurrence of vacancy—§503.24 RC	289
VACATION LEAVE—	
State employee may accumulate vacation leave earned—Unused vacation leave—§§121.161, 2113.04 RC	531
VACCINATION, DOGS	
Where a board of health of a general health district desires to require that dogs in the district be vaccinated for rabies—Procedure specified by §955.26 RC must be followed in the adoption of such requirement—§§955.26, 3709.21 RC	
VILLAGE	
Mayor of a village has jurisdiction to hear and determine all prosecutions for violations of ordinances, when—§\$1905.09, 1905.11, 2945.17, 2938.04, 1907.031, 1901.04 RC	
VILLAGE MARSHAL—	
Village council has authority to determine qualifications for office of village marshal—§737.15 RC	262
VILLAGE MAYOR—	
An ordinance fixing the salary of a village mayor is an ordinance of general nature which requires publication—§731.20 RC	
VILLAGE MAYOR—	
A mayor of a village in which a municipal court is located has no criminal jurisdiction but every other mayor of a village has jurisdiction in all criminal causes—§§1901.04, 1907.031, 1905.01, 1905.09 RC	
VOLUNTEER FIREMEN—	
Not qualified as member of pension fund—Members of Volunteer's Dependents Fund—§§741.01, 3310.09 RC	24

VOTING—MEMBER OF MILITARY SERVICE—	Page
Member of service living off base—Such member not prohibited from voting by—Art. V, Sec. 5, OHIO CONSTITUTION—§3503.01 RC	
WAGES—	
Where a state employee desires to institute a checkoff on his wages— The proper procedure for such—§§9.41, 115.35 RC	
WAGES, MUNICIPAL EMPLOYEES—	
Prevailing wage rate—Applicable to full-time regular salaried employees of municipal corporation; when—§§4115.03, 4115.04, 4115.05, 4115.06 RC	140
WARRANT FOR ARREST—	
	
Clerk of courts also acting as clerk of a county court may sign and issue a warrant for the arrest of a person—§§1907.101, 2935.10 RC	292
WATER SYSTEM—	
Jurisdiction—County commissioners, Public Utilities Commission over water and sewage system in unincorporated portions of county—Rates—Mortgage on plant bought or received as gift—No authority to pay mortgage out of county funds—§§6103.02, 6117.01, 4905.02, 4905.03, 5301.24 RC—Chapter 4905 RC	
WORDS AND PHRASES—	
"Year"—Construed as 365 days except leap year which includes 366 days—Art. XVIII, Sec. 8, OHIO CONSTITUTION	
WORK-RELIEF EMPLOYEE—	
A work-relief employee who has been permanently and totally disabled as the result of injury or disease sustained in the course of his employment and who is receiving compensation	
When it has been determined that a claimant is entitled to compensation—Chapter 4127 RC—\$\\$4123.412-4123.418 RC	,
ZONING APPEALS, BOARD OF—	
Board of township trustees or township board of zoning appeals—Pay the reasonable and necessary costs of postage and advertising—Where a stenographic record is made of a hearing, the cost should be borne by the party which requested the record—§519.15 RC—7111 OAG 1956—895 OAG 1959	• -
ZONING REGULATIONS—	
Whether zoning regulations adopted by a township pursuant to \$591.02 et seq. RC apply to lands owned by a conservancy district created pursuant to Chapter 6101 RC—And concerning use of property—\$519.02 et seq. RC—Chapter 6101 RC—4231 OAG 1954, p. 470	; •
ZONING, RURAL—	
Amendment to resolutions—Notice of, Purpose of, and Contents— §303.12 RC—Am. S. B. 112, 103rd G.A	

CITATIONS

Sections Revised Code	Page	Sections Revised Code	Page
3.06	559	319.19	341
3.06	584	319.35	
5.9716	436	321.34	
5.972701	436	321.44	166
9.01	359	325.02	105
9.41	746	.03	
109.19	2	325.03 thru 325.15	566
111.16 (B)	346	325.17	269
115.35	746	325.15	
119.01 to 119.13	524	329.01 thru 329.10	341
121.02	5	339.02	621
121.12	67	339.26	
121.12	5	503.24	
121.161	531	Chapter 505	
133.01	305	505.37	120
133.24	305	505.441	310
133.30	692	Chapter 507	
135.01	370	507.01	584
135.01 et seq	489	507.01	
135.10	370	509.15	682
135.12	166	513.07	205
135.141	166	513.16	205
141.05	651	513.17	205
141.05	566	515.02	744
143.09	579 579	515.08 517.11	744
143.09 (F)	579		$\begin{array}{c} 727 \\ 727 \end{array}$
143.10	698	517.13 519.02 et seq	442
143.29	298	519.04	274
143.41	597	519.15	553
145.01	77	707.19	380
307.15	503	Chapter 709	720
307.37	229	709.17	720
311.17	682	Chapter 711	733
313.05	98	711.011 (B)	733
Chapter 145	40	.041	
145.31	477	.04	
145.56	630	.05	
149.38	520	711.091	655
149.38	335	711.40	733
149.42	520	723.01	161
155.01	700	731.20	583
303.12	11	731.43	605
307.02	617	733.09	605
315.12	269	735.071	384
317.13	359	735.074	384
317.32 (A)	642	737.15	
317.32 (B)	642	741.01	24
317.32 (G)	642	741.01 (A)	630
317.32	380	.02	
319.05	559	741.10	724

INDEX — 1960

CITATIONS—Continued

Sections Revised Code	Page	Sections Revised Code	Page
741.18 (C)	724	2303.20	. 2
741.31 (A)	630	2335.03	
.32	•••	2335.04	
951.02	527	Chapter 2915	
Chapter 955	527	2931.02	
955.12	527	2931.08	149
955.26	253	2935.10	292
971.01 et seq	429	2937.08	705
1315.01	376	2937.08	495
Chapter 1317	376	2937.22	560
1317.01	376	2937.36	415
1503.05	191	2938.04	183
1531.18	546	2938.04	. 705
1531.01 to 153.126	353	2938.04	. 495
1533.01 to 1533.69	353	2938.10	
1545.11	51	2938.13	. 495
1547.08	28	2941.04	. 682
.09		2941.40	. 392
1547.14	28	2941.43	. 392
1547.20	28	2941.43	. 323
Chapters 1701, 1702	154	2941.51	. 90
1701.04 (A) (2)	473	2945.17	. 183
1701.01 (C)	473	2949.14	. 563
1731.01		2949.18	. 563
Chapter 1783	448	2949.19	. 90
1901.02	130	Chapter 2965	. 323
1901.02	546	2965.01	. 323
1901.04	506	2965.03	. 752
1901.04	183	2965.07	. 752
1901.11	730	2965.08	. 752
1903.12	682	2965.31	
1905.01	506	2965.35	
1905.09	506	3301.031	
1905.09		3307.48	
1905.11		3307.49 (B) (1)	. 418
1907.011		.49	
1907.012		3310.011	
1907.031		3310.021	
1907.031		3310.061 (C)	
1907.031		3310.09	
1907.081		3310.11	
1907.101		3310.19	
1907.101		3311.231	
1907.291 (M)		3311.231	
1907.32		3313.20	
1907.33		3313.27	
1907.34		3313.37	
1907.511		3313.37	
1913.12		3313.42	
2113.04		3313.48	
2127.19	642	3313.64	. 539

CITATIONS—Continued

Sections Revised Code	Page	Sections Revised Code	Page
3313.64	712	4501.01	16
3313.671	32	4501.01	16
3313.671	32	.02	10
3313.85	432	4501.04	551
3317.02	101	4503.02	16
3317.02	302	4503.31	234
3317.02	249	4507.40	593
3317.06	114	4509.19	210
3317.14	114	4509.20	210
3318.08	1	4511.251 (A)	145
.20		4511.251 (A)	140
3319.08	1	4511.01 to 4511.78	593
3319.12	257	4511.99	593
3319.18	257	4513.01 to 4513.36	593
3321.15	189	4513.17	283
3375.10	468	Chapter 4582	111
3375.10	520	4701.01 thru 4701.19	387
3375.33	241	4701.99	387
3375.33	481	4713.02	171
3375.40 (C)	468	4713.04	178
3375.40 (J)	489	4713.15	171
3375.401	481	4713.17	171
3375.50	57	4725.08	403
3501.01	485	4729.07	411
3501.06	5	.08	
3501.15	139	4729.08	468
3503.01	157	4729.16	411
3503.06	611	4733.05	63
3503.08	611	4733.16	448
3503.27	611	Chapter 4905	673
3513.04	647	4905.02	673
3513.191	514	4905.03	673
3513.22	514	5106.01 thru 5106.10	341
3513.31	647	5107.01 thru 5107.16	341
3517.10	81	Chapter 5113	365
.11		5113.05	365
3707.01	398	5123.03	539
3709.21	398	5123.12	539
3709.21	253	5127.01	218
3735.27 et seq	625	5127.03	218
3773.22	495	5145.01	323
3917.01	19	5151.01 thru 5151.11	341
3939.01	427	5153.01	408
4115.03	140	5153.34	408
.04		.35	001
.05		Chapter 5155	201
.06	0.46	5153.16	617
4123.01 4122.412	246	5155.22	201
4123.412 thru 4123.418	453	5155.27	201
Chapter 4127	453	5301.24	673
4301.07	67	5501.01	667

CITATIONS—Continued

Sections Revised Code	Page	Sections Revised Code	Page
5501.02	350	Chapter 6101	442
5502.04	415	6103.02	673
5511.02	667	6117.01	673
5517.02	350	6131.01 (F) (G)	661
5525.19	350	6131.15	
5535.01 (C)	655	6137.02	86
5553.31	655	.03	
5591.02	35		
5591.21	667	1001 CENEDAL ACCEMBIA	
5591.21	. 35	100th GENERAL ASSEMBLY:	
5573.07	503	Am. H. B. No. 139	700
5705.19	617	103rd GENERAL ASSEMBLY:	
5705.21	485	Am. S. B. 52	90
5705.25	600	Am. S. B. 112	11
5705.41	305	, Am. S. B. 192	63
5713.11	249	Am. H. B. 364	589
5713.19	718	Am. H. B. 544	387
5723.12		Am. H. B. 571	506
5735.23			
5739.02 (D) (1)		OHIO CONSTITUTION:	
5739.05		OHIO CONSTITUTION:	
5739.06		Art. II, Sec. 20	
5739.07		Art. II, Sec. 20	
5739.13	-	Art. V, Sec. 5	
5741.08		Art. XIII, Sec. 2	
Chapter 5901		Art. XVIII, Sec. 6	
5923.05		Art. XVIII, Sec. 8	128
5923.05	625	Art. XVIII, Sec. 3	436

OPINIONS OF THE ATTORNEY GENERAL:

1956 647 333 4 1946 797 33 1946 835 Approved and followed 2 1933 830 Followed 1959 860 Paragraph 4 of Opinion Overruled 1 1959 895 5 1951 926 Followed 1 1959 982 Overruled 1 1937 1059 1859 3 1960 1158 6 1946 1168 628 4 1960 1207 4 1952 1214 187-190 4 1960 1252 4 1960 1548 6 1952 1635 Paragraph Two, Syllabus, Approved and followed 1	597 477 341 224 166 553 114 105 370 625 408 411 427 481 625 705
1946 797 3 1946 835 Approved and followed 2 1933 830 Followed 1 1959 860 Paragraph 4 of Opinion Overruled 1 1959 895 5 5 1951 926 Followed 1 1959 982 Overruled 1 1937 1059 1859 3 1960 1158 6 1946 1168 628 4 1960 1207 4 4 1952 1214 187-190 4 1960 1252 4 4 1960 1548 6 6 1960 1548 7 7 1952 1635 Paragraph Two, Syllabus, Approved and followed 6 1960 1644 6 6	341 224 166 553 114 105 625 408 411 427 481 625
1946 835 Approved and followed 2 1933 830 Followed 1959 860 Paragraph 4 of Opinion Overruled 1 1959 895 5 1951 926 Followed 1 1959 982 Overruled 1 1937 1059 1859 3 1960 1158 6 1946 1168 628 4 1960 1207 4 1952 1214 187-190 4 1960 1252 4 1960 1548 6 1952 1635 Paragraph Two, Syllabus, Approved and followed 6	224 166 166 553 114 105 370 625 4411 427 481 625
1933 830 Followed 1959 860 Paragraph 4 of Opinion Overruled 1 1959 895 5 1951 926 Followed 1 1959 982 Overruled 1 1937 1059 1859 3 1960 1158 6 1946 1168 628 4 1960 1207 4 4 1952 1214 187-190 4 1960 1252 4 4 1960 1468 6 6 1960 1548 7 1952 1635 Paragraph Two, Syllabus, Approved and followed 6	16 166 553 114 105 370 625 408 411 427 481 625
1959 860 Paragraph 4 of Opinion Overruled 1 1959 895 5 1951 926 Followed 1 1959 982 Overruled 1 1937 1059 1859 3 1960 1158 6 1946 1168 628 4 1960 1207 4 4 1952 1214 187-190 4 1960 1252 4 4 1960 1548 6 6 1960 1548 7 7 1952 1635 Paragraph Two, Syllabus, Approved and followed 6 6 1960 1644 6 6	166 553 114 105 370 625 408 411 427 481 625
1959 895 5 1951 926 Followed 1 1959 982 Overruled 1 1937 1059 1859 3 1960 1158 6 1946 1168 628 4 1960 1207 4 4 1952 1214 187-190 4 1960 1252 4 4 1960 1468 6 6 1960 1548 7 7 1952 1635 Paragraph Two, Syllabus, Approved and followed 6 1960 1644 6	553 114 105 370 625 408 411 427 481 625
1951 926 Followed 1 1959 982 Overruled 1 1937 1059 1859 3 1960 1158 6 1946 1168 628 4 1960 1207 4 1952 1214 187-190 4 1960 1252 4 1960 1468 6 1960 1548 7 1952 1635 Paragraph Two, Syllabus, Approved and followed 6	114 105 370 625 408 411 427 481 625
1959 982 Overruled 1 1937 1059 1859 3 1960 1158 6 1946 1168 628 4 1960 1207 4 1952 1214 187-190 4 1960 1252 4 1960 1468 6 1960 1548 7 1952 1635 Paragraph Two, Syllabus, Approved and followed 6	105 370 625 408 411 427 481 625
1937 1059 1859 3 1960 1158 628 628 1946 1168 628 4 1960 1207 4 1952 1214 187–190 4 1960 1252 4 1960 1468 660 660 660 660 660 660 660 660 660 6	370 625 408 411 427 481 625
1960 1158 628 628 4 1960 1207 4 1952 1214 187–190 4 1960 1252 4 1960 1468 66 1960 1548 7 1952 1635 Paragraph Two, Syllabus, Approved and followed	625 408 411 427 481 625
1946 1168 628	408 411 427 481 625
1960 1207 4 1952 1214 187–190 4 1960 1252 4 1960 1468 6 1960 1548 7 1952 1635 Paragraph Two, Syllabus, Approved and followed	411 427 481 625
1952 1214 187–190	427 481 625
1960 1252	481 625
1960 1468	625
1960 1548	
1952 1635 Paragraph Two, Syllabus, Approved and followed	705
Approved and followed	
Approved and followed	
1960 1644 6	57
	651
1958 1899 Paragraph Three, Syllabus, Overruled . 1	166
1947 23276	630
	341
1948 2592 Approved and followed	224
1934 2650 4	129
	398
	323
	436
	692
	489
	442
	335
	436
	436
	403
100	359
***************************************	553
	503
	432