

The legislature intended by this Act to provide safeguards and protection for the retail installment buyers of motor vehicles. It seems to me that it was intended for all payments to be regulated, including the down payment. A conclusion that the down payment could be made in more than one payment or a series of payments, without any regulation thereof, would not appear to be within the clear and evident purpose of this Act and could result in an evasion of Paragraph 566, for all practical purposes, as I see it.

You are therefore advised that the answer to your inquiry, in my opinion, is in the negative.

(No. F-1926—March 20, 1968)

COUNTIES AND COUNTY BOARDS—*Real Estate—Lease*. A county is not authorized to lease public property for private purposes.

COUNTIES AND COUNTY BOARDS—*Real Estate—Sale*. A county is not required in selling its real estate, to make such sale at a public sale to the highest bidder.

COUNTIES AND COUNTY BOARDS—*Real Estate—Sale*. A county does not have the statutory power to attach restrictions to real estate which it sells.

Honorable Edward Benecki, State's Attorney, Lawrence County Court House, Lawrenceville, Illinois:

You have asked for my answer to the following questions:

- "1. Can the county lease real estate owned by it for private, non-public purposes such as a physicians clinic?"
- "2. If it can lease such real property, what limitations exist on such a lease?"
- "3. Must the county, in selling real estate owned by the county, make such sale at a public sale to the highest bidder?"
- "4. In conveying real estate by the county, can the county impose restrictions on the future use of the land, as can a private person?"

The answer to your Question No. 1 is in the negative. I have heretofore held that a county cannot lease public property for private purposes. Copies of opinions to this effect (F 1236, 1964 A. G. Reports 214; F 1478, 1965 A. G. Reports 176) are enclosed.

In view of the answer to Question No. 1, an answer to Question No. 2 is not required.

You are advised that in my opinion the answer to your Question No. 3 is in the negative since I am not aware of any statute requiring that the county sell its real estate at a public sale to the highest bidder. On this general subject matter, I feel I should point out for your consideration the case, *McCord v. Pike*, 121 Ill. 288, which held if a County Board attempts to sell and convey real estate of the county for less than its value or to accept an offer of one to purchase the same at a sum less than another offer, or less than they know can be had, such Board shall be guilty of a breach of trust and of a fraud.

The answer to your Question No. 4 is in the negative. I held in an opinion (No. 199, 1962 A. G. Reports 172), a copy is enclosed, that

a county does not have the statutory power to attach restrictions to real estate which it sells and conveys.

(No. F-1927—March 20, 1968)

FEES AND SALARIES—*Compensation of Supervisor as Treasurer of Road District*. The fee to be paid is based upon the total amount of all expenditures and does not apply to the amount of each fund separately.

STATUTES CONSTRUED—*Illinois Revised Statutes 1967, Chapter 121, Paragraph 6-207*.

Honorable John J. Bresee, State's Attorney, Champaign County, Court House, Urbana, Illinois 61801:

You have requested my opinion concerning the compensation of a supervisor for his services as treasurer of a township road district. Your letter reads in part:

"Under Chapter 121 Paragraph 6-207, the Township Supervisor, as Treasurer of a Road District, is entitled to receive a commission upon road monies paid out by him under a sliding scale and the act says that this commission is to be paid proportionately from the respective funds on the basis of payments made from each fund.

Must the Supervisor, as such District Treasurer, lump all his expenditures together and then take a 2% commission of the first \$5,000 spent of all of such monies and then take 1% of the next \$70,000 of such expenditures, etc., or may he take 2% of the first \$5,000 from the Road and Bridge Fund, 2% from the first \$5,000 from the Permanent Road Fund, 2% from the first \$5,000 from the Building and Equipment Fund and then the 1%, etc.? Under the second method the Supervisor's commission would be greater than that under the first method."

Although I am not the legal adviser to townships, in view of the nature of the problem I will submit the following for your information.

Section 6-207 of the Highway Code (Illinois Revised Statutes 1967, Chapter 121, Paragraph 6-207) insofar as applicable provides:

Except as otherwise provided in this Code, the district treasurer shall, in addition to any other compensation to which he is by law entitled, receive a commission upon all road moneys paid out by him in each calendar year or fraction thereof during which he holds office, from all funds held by him as district treasurer, the amount of such commission to be determined as follows:

- 2% of the first \$5,000 of such expenditures;
- 1% of the next \$70,000 of such expenditures;
- ½% of the next \$50,000 of such expenditures;

and

¼% of the balance of such expenditures.

Such commission shall be paid proportionately from the respective funds on the basis of payments made therefrom.

No commission shall be allowed on funds paid over to his successor or on moneys paid out in payment of the principal of bonds or other borrowed money."

It is necessary in determining the amounts payable under the above quoted provisions to determine the legislative intent. The legislative intent must be sought primarily from the language used and