"It is a familiar principle of law that a statute will be construed if at all possible so as to render it constitutional. See *Hopkins* vs. *Kissinger,* 31 O. A. R. 229. It is also a familiar principle that when the legislature enacts a statute, it has in mind all the constitutional provisions which are applicable to the subject matter thereof. See *State ex rel.* vs. *George,* 92 O. S. 344, 346. Therefore, it is my opinion that the words 'as ascertained by the latest federal census of the United States' refer to the latest complete federal census existing at the moment before a judge becomes an incumbent of the office."

The conclusion which I reached in my former opinion is further substantiated by the rule enunciated by the Supreme Court of Pennsylvania. That state has a constitutional provision similar to that of Ohio. By statute it was provided that certain county officers should receive compensation on the basis of "the next preceding decennial census," and in the case of *Commonwealth* vs. *Walter,* 274 Pa. 553, it was contended that a change in population as announced following the 1920 census permitted an increase in compensation of an officer during his term. With this contention, however, the court did not agree, its conclusion being set forth in the fifth branch of the syllabus as follows:

"No increase is permissible whether it be attempted by a new law passed thereafter, or by the application of the provisions of an earlier statute directing the payment of a larger sum when a county has a greater population."

There is a principle of statutory construction to the effect that, where legislative language is susceptible to two interpretations, one of which would probably render the law unconstitutional, and the other would render it valid, the court will adopt that interpretation which will preserve the enactment. I feel that this principle is applicable here. It must be confessed that the question is one concerning which there is much doubt, but I feel constrained to hold that the appellate judge in question, having taken office prior to the announcement of the 1930 census, may not receive, during his existing term, compensation based upon such 1930 census, since the latest census in existence at the time of his taking office was the 1920 census.

Based upon the foregoing, I am of the opinion that judges of Courts of Appeals who took office prior to the official certification and announcement of the 1930 federal census are not entitled to an increase of compensation because of increased population shown by such census.

Respectfully,
GILBERT BETTMAN,
Attorney General.

2180.

INITIATIVE PETITION—WHEN MORE THAN ONE LINE AT THE TOP MAY BE USED FOR THE TITLE.

SYLLABUS:

If the title of a proposed measure to be printed at the top of an initiative or referendum petition may not physically be printed upon one line, as provided in Section 4785-186, *more than one line may be used therefor.*

COLUMBUS, OHIO, August 1, 1930.

HON. CLARENCE J. BROWN, *Secretary of State, Columbus, Ohio.*

DEAR SIR:—This will acknowledge receipt of your letter of recent date, which reads as follows:

"I have under consideration the form of initiative petition proposing certain constitutional amendments. I notice that Section 4785-176 of the General Code provides that the title of a proposed measure should be set in capital letters on one line. In giving consideration to this particular initiative proposal, it seems that it would be practically impossible to set forth in one line a title that would indicate the nature or substance of the proposed measure. Would it be permissible and within the intent of the law to use the author's name in connection with such proposal, for instance, the 'Hubbell Amendment?' "

I am advised that the initiative petition which has occasioned your inquiry proposes to amend sixteen sections of the Constitution of Ohio, and as a result of the number of subjects involved a title such as would indicate the nature or substance of the proposed measure will require about eleven lines.

Section 4785-176, General Code, sets forth the form of such petition and, in so far as is pertinent, provides:

" * * * At the top of each part of such petition shall be the following:

REFERENDUM (OR INITIATIVE) PETITION
INITIATING (OR REFERRING) CONSTITUTIONAL
AMENDMENT (OR LAW)

TITLE ----------"
In capital letters of one line

It seems evident that the Legislature contemplated in providing that the measure must have a title that the measure must have at the top an inscription to distinguish, explain or describe it. The "Hubbell Amendment" is not, in my view, a title such as is contemplated in this section. The title should contain some designation of the measure which is germane to the subject matter. Obviously the title should be brief, since the section requires that it shall be printed in one line. In the event, however, the measure is of such a nature that it may not physically be given a title germane to the subject matter which may be printed in one line upon a petition of the size customarily used, I have little difficulty in concluding that the provision as to such title being in one line would be construed as directory.

Specifically answering your question, therefore, it is my opinion that if the title of a proposed measure to be printed at the top of an initiative or referendum petition may not physically be printed upon one line, as provided in Section 4785-186, more than one line may be used therefor.

Respectfully,
GILBERT BETTMAN,
Attorney General.

2181.

APPROVAL, BONDS OF VILLAGE OF NORTH CANTON, STARK COUNTY, OHIO—$64,222.35.

COLUMBUS, OHIO, August 1, 1930.

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