

After an examination of the abstract of title and accompanying data, it is my opinion that Clara R. Herman has a good and merchantable title in said premises subject to the following:

(1) A mortgage to Edward A. Day, executed June 12, 1923, and recorded in Vol. Q-2, page 446 of the Record of Mortgages, Adams County, Ohio, for the purpose of securing the mortgagor's note for \$2,100.00, the due date of which is not stated in the abstract.

(2) Taxes for the years 1926 and 1927 are unpaid and liens. The amount of the 1926 tax is not stated and the 1927 tax is as yet undetermined.

The encumbrance estimate contains the certificate of the Director of Finance to the effect that there are unencumbered balances in the Division of Forestry, G-1 Lands, sufficient to cover the purchase price.

The deed submitted is sufficient to convey said premises to the State when properly delivered.

The abstract and accompanying data, the deed and the encumbrance estimate are herewith returned.

Respectfully,
EDWARD C. TURNER,
Attorney General.

886.

BOARD OF DEPUTY STATE SUPERVISORS OF ELECTIONS—AMOUNT OF SALARY TO WHICH DECEASED MEMBER IS ENTITLED.

SYLLABUS:

Under the provisions of Section 4822, General Code, the estate of a member of the board of deputy state supervisors of elections, who deceases during his term of office, is entitled to that proportion of the yearly salary of a member of such board, as the number of days served in that year by said member, bears to the total number of days of the year, less any amount already drawn by said member for services during said time.

COLUMBUS, OHIO, August 17, 1927.

HON. LEROY W. HUNT, *Prosecuting Attorney, Toledo, Ohio.*

DEAR SIR:—This will acknowledge receipt of your recent communication requesting my opinion as follows:

“An interpretation of Section 4822 of the General Code will be appreciated by this office.

Peter M. Ragan, who held the office of Deputy State Supervisor and Inspector of Elections, died May 22nd, 1927. He was succeeded in office by J. A. Lehnertz, who presented his credentials on May 31st, 1927.

The question arises as to how the salary of a member of the Board should be prorated between the estate of Peter M. Ragan and the present incumbent, J. A. Lehnertz.

My interpretation of Section 4822 is that it provides for an annual salary for each member of the Board, based upon the number of precincts existing at the last preceding November election, and further provides that this annual salary shall be paid quarterly.

If this interpretation is correct, I am of the opinion that the Ragan estate would be entitled to such proportion of the yearly allowance to a board member as the number of days that Mr. Ragan served during the year 1927, would be to the number of days in a year, less, however, any amounts of money that Mr. Ragan may have drawn at quarterly pays.

Your ruling on this matter will be greatly appreciated."

Section 4822, General Code, provides as follows:

"Each deputy state supervisor shall receive for his services the sum of three dollars for each election precinct in his respective county, and the clerk shall receive for his services the sum of four dollars for each election precinct in his respective county. The compensation so allowed such officers during any year shall be determined by the number of precincts in such county at the November election of the next preceding year. The compensation paid to each of such deputy state supervisors under this section shall in no case be less than one hundred dollars each year and the compensation paid to the clerk shall in no case be less than one hundred and twenty-five dollars each year. Such compensation shall be paid quarterly from the general revenue fund of the county upon vouchers of the Board, made and certified by the chief deputy and the clerk thereof. Upon presentation of any such voucher, the county auditor shall issue his warrant upon the county treasurer for the amount thereof, and the treasurer shall pay it."

The compensation provided for in the above section is a yearly compensation. The year referred to in the section is the year which begins with the regular terms of the officers and clerks of the board of deputy state supervisors of elections which dates from the annual organization of the board in May of each year. The compensation allowed to such officers and clerks during any year shall be determined by the number of election precincts in such county at the preceding November election.

Upon consideration of this matter I agree with your interpretation of Section 4822, General Code, in that it provides for an annual salary for each member of the board, based upon the number of precincts existing at the last preceding November election, and further provides that this annual salary shall be paid quarterly.

It is therefore my opinion that the estate of Peter M. Ragan, deceased, is entitled to such proportion of the yearly salary payable to the member of said board in his county, as the number of days that Mr. Ragan served during the year 1927, bears to the number of days in the year, after deducting therefrom the amounts of money, if any, heretofore drawn by Mr. Ragan as salary during said time.

Respectfully,
EDWARD C. TURNER,
Attorney General.