

Under the registration laws as amended in 111 Ohio Laws, a semi-trailer should be considered as a separate vehicle for the purpose of registration."

Considering sub-section 8 of section 6290, as amended in 111 Ohio Laws, page 239, with section 7246 of the General Code, as amended in 111 Ohio Laws, page 243, it is believed that a semi-trailer must be considered as a separate vehicle for all purposes.

It is believed that the question you intended to ask was, what is the maximum load permitted on a semi-trailer and a commercial tractor when operated together?

Your attention is respectfully directed to the following portions of sections of the General Code relating to the maximum loads permitted on public highways and streets:

"Sec. 7246. * * * no trailer, semi-trailer, wagon, truck, automobile truck, *commercial tractor*, or other vehicle, whether propelled by muscular or motor power, *weighing in excess of ten tons, including weight of vehicle and load*, shall be operated over and upon the improved public streets, inter-county highways, main market roads, bridges or culverts within the state, except as provided in this chapter. * * *"

"Sec. 7246-1. No vehicle shall be operated upon the improved inter-county highways, main market roads, streets, bridges or culverts within this state, *having a gross weight, including load, greater than sixteen thousand pounds on both wheels of one axle, or no vehicle having more than eighty per cent of the permissive gross weight of vehicle and load concentrated on both wheels of one axle.*"

From the above it is clearly apparent that the permissive gross weight on a commercial tractor is ten tons. This limitation is further subject to the provision that not to exceed sixteen thousand pounds nor more than eighty per cent of the permissive gross weight of vehicle and load may be concentrated on both wheels of one axle.

It is equally apparent that a semi-trailer is governed by the same limitations but that due to the fact that a semi-trailer has only one axle, and that since the permissive load on a vehicle is ten tons, that a semi-trailer can only carry eighty per cent of such permissive load or eight tons, including weight of vehicle and load.

From the above it will be seen that in the operation of a commercial tractor and a semi-trailer together, that the maximum load that may be carried is ten tons upon the commercial trailer and eight tons upon the semi-trailer, making a total upon the two vehicles of eighteen tons.

You are therefore advised that the maximum load permitted to be carried by a commercial tractor and a semi-trailer operated together, is ten tons for the commercial tractor and eight tons for the semi-trailer, making a total of eighteen tons.

Respectfully,

C. C. CRABBE,

Attorney General.

3299.

PROBATION OFFICER—DUTY OF COUNTY COMMISSIONERS TO APPROPRIATE SUFFICIENT FUNDS TO COVER COMPENSATION FIXED BY PROBATE JUDGE.

SYLLABUS:

The county commissioners may not by a refusal to appropriate or by not appropriating sufficient funds reduce or change the compensation fixed by the juvenile judge under section 1662 of the General Code.

COLUMBUS, OHIO, April 26, 1926.

HON. U. G. BUCKEY, *Prosecuting Attorney, Caldwell, Ohio.*

DEAR SIR:—I am in receipt of your communication enclosing a letter to the Hon. L. D. Headley, probate judge, of Noble county, Ohio, as follows:

“I would like your opinion on the following subject:

For the year 1926 I appointed a probation officer whose salary is \$65.00 per month and expenses. The commissioners cut the appropriation to \$200.00 per year—\$50.00 for expenses and \$50.00 for other expenses.

Have the commissioners the power to change the salary of said probation officer? What if there is no money to be appropriated for such officer?”

Section 1662 of the General Code in part provides as follows:

“The judge designated to exercise jurisdiction may appoint one or more discreet persons of good moral character, one or more of whom may be a woman, to serve as probation officers, during the pleasure of the judge.
* * * Such chief probation officer and assistants shall receive such compensation as the judge appointing them may designate at the time of the appointment; provided, however, that such compensation may be increased or decreased at any time by said judge, but the compensation of the chief probation officer shall not exceed three thousand dollars per annum and that of the assistants shall not exceed eighteen hundred dollars per annum. * * * The compensation of the probation officers shall be paid by the county treasurer from the county treasury upon warrant of the county auditor, which shall be issued upon itemized vouchers sworn to by the probation officers and certified to by the judge of the juvenile court. The county auditor shall issue his warrant upon the treasury and the treasurer shall honor and pay the same, for all salaries, compensation and expenses provided for in this act, in the order in which proper vouchers therefore are presented to him.”

By this section the judge designated to exercise juvenile jurisdiction appoints the probation officers and fixes the compensation thereof. This section also provides that probation officers shall be paid by the county treasurer from the county treasury upon the warrant of the county auditor, which is issued upon vouchers certified by the judge of the juvenile court.

Section 5649-3g, found in 111 Ohio Laws, page 374, provides that the county commissioners shall make appropriations classified for the several purposes for which expenditures are to be made for and during the fiscal year from the funds of such county.

Section 5660, a part of the same act, provides that no expenditures shall be made unless authorized by appropriation both as regard purpose and amount, and further provides that no order for the payment or expenditure of money be approved by the county commissioners or by any body, board, officer or employe of any subdivision, unless the auditor or chief fiscal officer thereof first certifies that the money required to meet such contract, agreement or obligation, or to make such payment and expenditure, has been lawfully appropriated for such purpose and is in the treasury or in the process of collection to the credit of such fund, free from any previous and then outstanding obligation or certification.

By section 5649-3g and section 5660 of the General Code, it is believed that it is necessary that appropriations be made for all purposes for which a county may ex-

pend money, and further, it is suggested that the county auditor would be liable under section 5661 of the General Code for drawing a voucher, unless the money for the payment of the same had been appropriated by the county commissioners and the proper certificate made. Whether this section might also apply to the judge of the juvenile court when certifying to the vouchers for the salary of the probation officers, quaere.

Section 1662 of the General Code quoted above is apparently in conflict with section 5649-3g in that section 1662 permits the juvenile judge to appoint and fix the compensation of the probation officer and authorizes him to certify to the county auditor vouchers for the payment of the same and section 5649-3g requires an appropriation by the county commissioners and a certificate by the chief fiscal officer before any obligations can be incurred against the county, or before any expenditures may be made from the funds of the county.

Section 5649-3g does not repeal any part of section 1662 and as repeals by implication are not favored by the courts, it is believed that we must construe section 1662 and section 5649-3g in such a way as to harmonize them and give effect to each, if possible.

Section 1683 of the General Code provide as follows:

“This chapter shall be liberally construed to the end that proper guardianship may be provided for the child, in order that it may be educated and cared for, as far as practicable in such manner as best subserves its moral and physical welfare, and that, as far as practicable in proper cases, the parent, parents or guardians of such child may be compelled to perform their moral and legal duty in the interest of the child.”

By this section a liberal construction must be given to any part of the juvenile act in the interest of the children who come in contact with the juvenile court.

It would hardly seem logical for the legislature to place in the hands of the juvenile judge the authority to fix the compensation of its probation officers and then permit the county commissioners by refusing to appropriate or by not appropriating sufficient funds, to change the compensation so fixed by the court.

Inasmuch as the county commissioners have no authority, in any manner, in appointing the probation officers or in fixing the compensation of the same, it is believed that it is the duty of the county commissioners to appropriate sufficient funds to cover the compensation fixed by the juvenile judge.

It is therefore my opinion that the county commissioners may not by a refusal to appropriate or by not appropriating sufficient funds reduce or change the compensation fixed by the juvenile judge under section 1662 of the General Code.

Respectfully,
C. C. CRABBE,
Attorney General.

3300.

APPROVAL, CONTRACT BETWEEN STATE OF OHIO AND THE RILEY STOKER CORPORATION, CLEVELAND, OHIO, COVERING CONSTRUCTION AND COMPLETION OF STOKERS FOR THE OHIO PENITENTIARY, COLUMBUS, OHIO, AT EXPENDITURE OF \$13,404.00. SURETY BOND EXECUTED BY THE GLOBE INDEMNITY COMPANY.

COLUMBUS, OHIO, April 27, 1926.