

With reference to the question of whether the expense of recording such deeds may be retained by the clerk, your attention is directed to an opinion found in Opinions of the Attorney General for the year 1921, Vol. I, p. 86, the syllabus of which is as follows:

"Under Sections 3294, 3308 and 3318, G. C., the limitation upon maximum annual compensation of the township officers therein named has reference only to services for the township as such, for which payment is made by the township out of the township treasury; and payments by individuals, for the services of such officers, do not come within such limitation."

At p. 88, the following language is used:

"It must be borne in mind that township officers, unlike county officers, are not compensated on a salary basis, but on the basis of fees and allowances. The limitation on annual compensation does not entrench upon the fee and allowance system except to the extent of providing a limitation upon the total amount of fees drawn annually from the township as such."

I concur in these views.

In regard to the number of trustees which shall be necessary to execute a deed for a cemetery lot, Section 3448, supra, merely provides that such deed shall be executed "by the trustees." The general rule is set forth in 29 Cyc. 1434, wherein it is said:

"Where official authority is conferred upon a board or commission, composed of three or more persons, such authority may be exercised by a majority of the members of such board."

In the case of *State, ex rel. vs. Wilkesville Township*, 20 O. S. 288, it was held that the execution of certain bonds by two township trustees when the third trustee was absent from the state, was sufficient compliance with the statute providing that "The trustees may * * * issue bonds." There is no provision in Section 3448, supra, to the effect that these deeds shall be executed by all of the trustees, and the execution of such a deed by at least two members of the board, does, in my view, constitute a sufficient compliance with this section.

Specifically answering your questions, I am of the opinion that:

1. The expense of recording a deed for a township cemetery lot to be charged by a township clerk as provided in Section 3448, General Code, should not exceed ten cents per one hundred words.
2. Such expense may be legally retained by the township clerk.
3. A deed for a township cemetery lot executed in accordance with the provisions of Section 3448, General Code, by at least two members of the board of township trustees is sufficient compliance with this section.

Respectfully,
GILBERT BETTMAN,
Attorney General.

1528.

APPROVAL, NOTES OF HOPEWELL TOWNSHIP RURAL SCHOOL DISTRICT, PERRY COUNTY—\$65,000.00.

COLUMBUS, OHIO, February 15, 1930.

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