

except that, by the terms of Section 6212-26, General Code, in prosecutions involving violations of the laws prohibiting traffic in intoxicating liquors process issued by the probate court may also be directed to and served by the commissioner of prohibition, the deputy commissioner and regularly appointed inspectors of the prohibition department. In no case is the probate court authorized to direct service to the chief of police or a member of the police department of a city or to a village marshal or his deputy.

Respectfully,
 EDWARD C. TURNER,
Attorney General.

784.

SALARIES—HOUSE BILL No. 84, 87TH GENERAL ASSEMBLY, APPLIES ONLY TO EMPLOYES OF COUNTY OFFICES AND NOT TO COUNTY OFFICERS THEMSELVES—SEMI-MONTHLY PAYMENT OF SALARIES.

SYLLABUS:

1. *House Bill No. 84 passed by the 87th General Assembly applies only to deputies, assistants, bookkeepers, clerks and other employes appointed or employed by county officers; it provides for semi-monthly payment of the salaries of such appointees and employes.*
2. *Section 2989 of the General Code relating to the payment of salaries of county officers was not amended by said act.*

COLUMBUS, OHIO, July 27, 1927.

HON. RAYMOND B. BENNETT, *Prosecuting Attorney, Medina, Ohio.*

DEAR SIR:—Permit me to acknowledge receipt of your request for my opinion as follows:

“Kindly advise me as to whether or not the law passed in the last session of the Legislature, with regard to the payment of county employees semi-monthly, has application to the payment of the salaries of officials, as well as those of clerks and stenographers.”

Section 2981 of the General Code as amended in House Bill No. 84 passed by the 87th General Assembly reads as follows:

“Such officers may appoint and employ necessary deputies, assistants, clerks, bookkeepers or other employes for their respective offices, fix their compensation, and discharge them, and shall file with the county auditor certificates of such action. Such compensation shall not exceed in the aggregate for each office the amount fixed by the commissioners for such office. When so fixed, the compensation of each duly appointed or employed deputy, assistant, bookkeeper, clerk and other employe shall be paid semi-monthly from the county treasury, upon the warrant of the county auditor. Each of such officers may require such of his employes as he deems proper to give bond to the state in an amount to be fixed by such officer with sureties approved by him, conditioned for the faithful performance of their official duties.

Such bond with the approval of such officer, indorsed thereon, shall be deposited with the county treasurer and kept in his office."

By the express terms of said section "the compensation of each duly appointed or employed deputy, assistant, bookkeeper, clerk and other employe shall be paid semi-monthly." The language is plain and unambiguous and needs no interpretation.

The act does not amend Section 2989 of the General Code, which provides that the salaries of county officers shall be paid monthly, and does not refer to county officers.

It is therefore my opinion that

(1) House Bill No. 84 passed by the 87th General Assembly applies only to deputies, assistants, bookkeepers, clerks and other employes appointed or employed by county officers; it provides for semi-monthly payment of the salaries of such appointees and employes.

(2) Section 2989 of the General Code relating to the payment of salaries of county officers was not amended by said act.

Respectfully,

EDWARD C. TURNER,
Attorney General.

785.

PUBLIC UTILITIES COMMISSION—ATTORNEY FOR COMMISSION IS AN EMPLOYE OF ATTORNEY GENERAL—SECTION 154-20, GENERAL CODE, CONSTRUED.

SYLLABUS:

1. *The Attorney General's department is not one of the several departments included in Section 154-20, General Code, the term "several departments," as used in that section, applying only to the departments enumerated in Section 154-3, General Code.*

2. *The special counsel appointed by the Attorney General and by him designated under the provisions of Section 497, General Code, "to perform the services and discharge the duties of attorney" to the Public Utilities Commission is an employe of the Attorney General and not an employe in the Department of Commerce.*

3. *The inhibition contained in the last sentence of Section 154-20, General Code has no application whatsoever to any of the employes in the Attorney General's department, including the special counsel designated under Section 497, General Code, to act as attorney for the Public Utilities Commission.*

COLUMBUS, OHIO, July 27, 1927.

HON. WILBUR E. BAKER, *Director of Finance, Columbus, Ohio.*

DEAR SIR:—Some few days ago you invited the attention of the First Assistant Attorney General to Section 154-20, General Code, particularly the last sentence in such section, which I have herein indicated in italics, and asked if this department had considered this section in connection with Opinions Nos. 678 and 687, respectively rendered under dates of June 30 and July 6, 1927.

As you know, the first of the above opinions relates to two contracts entered into by the Attorney General prior to June 30, 1927, providing for certain services to be rendered the State of Ohio in the state-wide Bell Telephone investigation, and holds