

It is therefore my opinion that the only construction which may be put upon the above section is that the payment of moneys from the state aid appropriations should be made in the order in which the applications are received and that no preference is to be shown to the townships which have not participated in the first year of the biennium.

Respectfully,
C. C. CRABBE,
Attorney General.

3476.

COUNTY PROBATION OFFICER MAY BE ALLOWED MILEAGE FOR
AUTOMOBILE USED ON OFFICIAL BUSINESS.

SYLLABUS:

A county probation officer may legally be allowed mileage for use of his own car when used on official business.

COLUMBUS, OHIO, June 26, 1926.

Bureau of Inspection and Supervision of Public Offices, Columbus, Ohio.

GENTLEMEN:—On May 1st I received the following letter from you:

“We respectfully request you to render this department your written opinion upon the following:

Question: May a probation officer legally be allowed mileage for the use of her own car on official business?”

Section 1554-1 G. C. provides for the expenses of probation officers, and the pertinent part thereof reads:

“Probation officers shall, in addition to their respective salaries, receive their necessary and reasonable traveling and other expenses incurred in the performance of their duties. Such salaries and expenses shall be paid monthly from the county treasury in the manner provided by law for the payment of the compensation of other appointees of the judge or judges of the common pleas court. (111 v. 423. Eff. July 21, 1925.)”

This section does not limit or fix this expense except to say that same shall be “necessary and reasonable” and this apparently leaves the manner of paying such expenses and how they are determined to be “necessary and reasonable” to the county commissioners.

In the case of *State, ex rel., vs. Wall*, 17 Ohio Nisi Prius (N. S.) 33, the court held that the legislature had a right to leave the fixing of compensation to local authorities.

There is no inhibition against the allowance of such mileage nor has the legislature said what are reasonable and necessary expenses.

The law does not presume that public officials will abuse a discretion and in this instance the discretion lies with the commissioners in passing on the expense account of a probation officer to say whether such account is reasonable and necessary.

It is therefore my opinion that a probation officer may be allowed mileage for use of his own car when used on official business.

Respectfully,
C. C. CRABBE,
Attorney General.

3477.

ELECTIONS—NOMINATING PETITIONS UNDER CHAPTER 7, TITLE :
XIV OF THE GENERAL CODE OF OHIO NEED NOT BE IN INK OR
INDELIBLE PENCIL.

SYLLABUS:

Nominating petitions under chapter 7, title XIV of the General Code of Ohio need not be in ink or indelible pencil and the precinct and ward of the signers need not be shown.

COLUMBUS, OHIO, June 26, 1926.

HON. THAD H. BROWN, *Secretary of State, Columbus, Ohio.*

DEAR SIR:—I am in receipt of your communication enclosing communication from the Board of Deputy State Supervisors and Inspectors of Election for Franklin County, Ohio, as follows:

“The Board of Deputy State Supervisors and Inspectors of Elections for Franklin County, Ohio, desire an opinion from you as follows:

Whether or not, nominations of independent candidates by petition, it is necessary (a) to write names with ink or indelible pencil and (b) whether or not the ward and precinct of signers must be shown.

This refers to county candidates or district.”

Section 4992 of the General Code, provides as follows:

“Except as provided by the preceding chapter of this title, nominations of candidates for public office may be made as herein prescribed.”

By this section nomination of candidates for public office may be made as prescribed by chapter 7 of title XIV of the General Code of Ohio, except as provided in chapter 6.

Section 4999 of the General Code provides as follows:

“Nominations of candidates for other offices, may be made by petitions, signed for each candidate by qualified electors of the state or the district, or county for which such candidates, are nominated, not less in number than one for each one hundred persons who voted at the next preceding general election in the state, district or county.”

This section provides that nomination of candidates for other offices than elective offices in any county, municipality or board of education may be made by petitions signed by not less than one for each hundred persons who voted at the next preceding general election in the state, district or county.