

volved the paying of a parent for transporting his child to a point on the regular route of the school conveyance, which point was a greater distance from the child's residence than one-half mile. Moreover, the conclusion therein reached, was based largely on the provisions of Section 7731-4, General Code, then in force (109 O. L., 290). Said Section 7731-4, General Code, was amended in 1925 (111 O. L., 123). It is not necessary for the purposes of this opinion, however, for me to determine the effect the amendment of Section 7731-4, General Code, as made in 1925, might have on a situation such as that upon which the 1925 opinion was based.

Respectfully,

GILBERT BETTMAN,  
*Attorney General.*

3014.

TOWNSHIP TRUSTEE — YEARLY COMPENSATION — LIMITATION  
THEREON APPLICABLE TO PERSON RATHER THAN OFFICE—  
COMPENSATION OF PREVIOUS INCUMBENT DURING SAME  
YEAR DISREGARDED.

*SYLLABUS:*

*The amount earned by the predecessor of a person appointed to fill a vacancy in the office of township trustee shall not be taken into consideration in determining whether the \$250.00 yearly limitation of a township trustee's compensation to be paid from the township treasury has been exceeded.*

COLUMBUS, OHIO, March 3, 1931.

HON. RAYMOND E. LADD, *Prosecuting Attorney, Bowling Green, Ohio.*

DEAR SIR:—Acknowledgment is made of the receipt of your communication which reads as follows:

“Will you please give me an official opinion as to whether the compensation for a trustee appointed to fill the vacancy in the Board of Trustees caused by death of one of the members is limited in his compensation to the difference between the amount due the first trustee and the sum of \$250.00 which the statute provides shall be paid to any trustee of a township, under Section 3294 of the General Code, or is he entitled to the compensation earned without any limitation, except that it shall not exceed \$250.00?

The facts of the case are as follows:

One of the trustees died after having earned the sum of \$230.00 as trustee, payable from the Township Treasury. The new trustee, since his appointment, is entitled to compensation in the sum of \$47.00 or \$50. The question is, is he entitled to the full amount earned by him, or the difference between \$230.00 and \$250.00, or \$20.00?

I have checked the Attorney General's opinions but am unable to find any opinion in point. The statute simply saying 'the compensation of any trustee to be paid from the treasury shall not exceed \$250.00 in any year, including services in connection with the poor' and does not state

that any trustee, or his successor in office, shall be limited to \$250.00 in any one year."

Section 3294, General Code, to which you refer, is as follows:

"Each trustee shall be entitled to one dollar and fifty cents for each day of service in the discharge of his duties in relation to partition fences, to be paid in equal proportions by the parties, and two dollars and fifty cents for each day of service in the business of the township, to be paid from the township treasury. The compensation of any trustee to be paid from the treasury shall not exceed two hundred and fifty dollars in any year including services in connection with the poor. Each trustee shall present an itemized statement of his account for such per diem and services, which shall be filed with the clerk of the township, and by him preserved for inspection by any persons interested."

The language of the statute provides that the compensation of *any* trustee paid from the township treasury shall not exceed \$250.00 in any year.

The word "any" is defined in Webster's New International Dictionary as "one indiscriminately out of a kind or number." Words and Phrases, Vol. I, page 412, quotes Johnson as defining "any" to mean "every." See also Vol. I, of Bouvier, page 205.

From these authorities it would appear that the words "any trustee" may be construed to mean "every trustee."

In the instant case, upon the appointment and qualification of the person to the office of township trustee for the unexpired term caused by the death of the prior trustee, the person so appointed and qualified became a township trustee; and, as such trustee, his compensation from the township treasury would be subject to the limitation of Section 3294, *supra*. To say that compensation paid to his predecessor in office amounts to payment to him would be contrary to reason.

If the words "any trustee" are to be construed to limit the compensation of the office for one year, it would follow that not more than \$250.00 could be paid to holders of the office for such period. This conclusion is negated by an examination of the section cited. The language therein used clearly indicates a reference solely to a township trustee in person, and not to the term of office. To hold otherwise would also be to discriminate against a trustee because the term of office to which he was appointed included an unexpired portion of the fiscal year of the township.

As pointed out in your communication, if the legislature intended to restrict the amount of compensation to the holders of the office, it would have used words of limitation.

In specific answer to your inquiry, I am of the opinion that the amount earned by the predecessor of a person appointed to fill a vacancy in the office of township trustee shall not be taken into consideration in determining whether the \$250.00 yearly limitation of a township trustee's compensation to be paid from the township treasury has been exceeded.

Respectfully,

GILBERT BETTMAN,  
*Attorney General.*