

paid them by the party calling the jury, and it must be taxed in the cost bill against the losing party, except as otherwise provided."

It seems clear from the language of section 1746-2 G. C. that it was the intent of the legislature that a jurymen should receive one dollar and fifty cents for sitting in each case. It will further be observed that if the trial continued for two days the jurymen would receive one dollar and fifty cents under section 10357 G. C. The former section provides for the fees "in each case" while the latter fixes per diem compensation. Undoubtedly the provision of section 1746-2 G. C. relative to the fees of jurymen are in direct conflict with the provisions of section 10357 G. C., especially when only one day is consumed in the trial. It is a well known rule of statutory construction that when legislation upon the same subject is in conflict the latter enactment will control. Therefore, it is believed that section 10357 G. C. should be regarded as repealed by implication in so far as it is inconsistent with the provisions of section 1746-2 G. C.

In view of the foregoing, it is the opinion of this department that:

(1) In any case in which a justice of the peace disposes of a case which is properly brought before him in which no evidence is introduced, he is entitled to a fee of one dollar.

(2) In any criminal case in which evidence is introduced a justice of the peace is entitled to a fee of two dollars, unless a jury trial is had, in which case he is allowed two dollars and fifty cents. In a civil case which is disposed of upon the appearance of the parties without trial the justice is entitled to one dollar. In those cases in which a defense is interposed and evidence is introduced or a trial had, the justice is entitled to two dollars, unless there is a jury trial, in which case he is entitled to two dollars and fifty cents.

(3) The provisions of section 1746-2 G. C. relative to the fees of jurymen are in conflict with the provisions of section 10357 G. C., and the latter section is repealed by the former to the extent of such inconsistency. It follows that a jurymen is entitled to a fee of one dollar and fifty cents in each case.

Respectfully,

JOHN G. PRICE,

Attorney-General.

2792.

APPROVAL, FINAL RESOLUTIONS FOR ROAD IMPROVEMENTS,
LICKING, DEFIANCE, PORTAGE, WOOD AND PUTNAM COUNTIES.

COLUMBUS, OHIO, January 14, 1922.

Department of Highways and Public Works, Division of Highways, Columbus, Ohio.

2793.

APPROVAL, FINAL RESOLUTIONS, ROAD IMPROVEMENTS IN PIKE
AND COSHOCTON COUNTIES, OHIO.

COLUMBUS, OHIO, January 14, 1922.

Department of Highways and Public Works, Division of Highways, Columbus, Ohio.