

The legislature could either fix the salary of this office or delegate that power to the city and when it determined to delegate this power, it had the right to place such limitations thereon as it deemed advisable.

In Opinions of the Attorney General for 1917, Vol. I, page 161, the following was held:

“The city council of the city of Springfield may change the amount contributed by the city to the salary of the police judge of that city, so as to make such change effective during the term of the incumbent, provided that the amount of such contribution does not exceed two thousand dollars.”

This opinion held that neither Section 4213, General Code, nor Section 20 of Article II of the Constitution was applicable. The statute delegating the power to fix the salary of the office involved in said opinion contained no prohibition against the change of salary during the term as does Section 1579-658, General Code, but in view of the above decisions holding Section 20 of Article II of the Constitution applicable to such an office, I am unable to agree with the conclusion reached in said opinion.

I am of the opinion, therefore, that council of the city of Cleveland Heights is not authorized to change the compensation of judge of the police court and make it effective during the term for which he was elected.

Respectfully,

JOHN W. BRICKER,  
*Attorney General.*

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5089.

APPROVAL—PROPOSED AGREEMENT FOR SEPARATION OF GRADES OF TRACKS IN VILLAGE OF FOSTERS, WARREN COUNTY, OHIO—PENNSYLVANIA RAILROAD COMPANY.

COLUMBUS, OHIO, January 10, 1936.

HON. JOHN JASTER, JR., *Director of Highways, Columbus, Ohio.*

DEAR SIR: You have submitted for my consideration a proposed agreement by and between the Director of Highways and the Pennsylvania Railroad Company, in the matter of the separation of grades of the tracks of said company and State Highway No. 10 in the unincorporated Village of Fosters, in Warren County, Ohio.

After examination, it is my opinion that said proposed agreement is

in proper legal form and when the same is properly executed it will constitute a valid and binding contract.

Said proposed contract is being returned herewith.

Respectfully,

JOHN W. BRICKER,  
*Attorney General.*

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5090.

APPROVAL—PROPOSED AGREEMENT FOR ELIMINATION  
OF GRADE CROSSING IN CLARK COUNTY, OHIO—DE-  
TROIT, TOLEDO AND IRONTON RAILROAD COMPANY.

COLUMBUS, OHIO, January 10, 1936.

HON. JOHN JASTER, JR., *Director of Highways, Columbus, Ohio.*

DEAR SIR: You have submitted for my consideration a proposed agreement by and between the Director of Highways and the Detroit, Toledo and Ironton Railroad Company, covering the elimination of the grade crossing over the tracks of said company on State Highway No. 197, located at a point in Clark County, Ohio, known as Thorps Crossing.

After examination, it is my opinion that said proposed agreement is in proper legal form and when the same is properly executed it will constitute a valid and binding contract.

Said proposed contract is being returned herewith.

Respectfully,

JOHN W. BRICKER,  
*Attorney General.*

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5091.

CONSTITUTIONAL AMENDMENT—GENERAL ASSEMBLY IN  
SPECIAL SESSION MAY NOT PASS JOINT RESOLUTION  
SUBMITTING CONSTITUTIONAL AMENDMENT UNLESS  
AUTHORIZED BY GOVERNOR.

SYLLABUS:

*The General Assembly in special session has no authority to pass a joint resolution submitting a constitutional amendment in accordance with the provisions of Article XVI, Section 1 of the Constitution, unless such action is authorized by the proclamation of the Governor calling the General Assembly in special session or in a subsequent public proclamation or message to the General Assembly issued by the Governor during such special session, as provided by Article III, Section 8 of the Constitution.*