

2196.

APPROVAL, BONDS OF VILLAGE OF NEW KNOXVILLE, AUGLAIZE COUNTY, \$12,000.00.

COLUMBUS, OHIO, February 2, 1925.

Retirement Board, State Teachers Retirement System, Columbus, Ohio.

2197.

PRCBATE JUDGE—AMOUNT ALLOWED FOR DEPUTY HIRE UNDER SECTION 2980 G. C.

SYLLABUS:

The fines collected by a probate judge should not be included with his fees, costs, percentages, penalties, allowances and other perquisites, in determining the minimum amount of his deputy hire under section 2980 G. C.

COLUMBUS, OHIO, February 3, 1925.

HON. OTTO J. BOESEL, *Prosecuting Attorney, Wapakoneta, Ohio.*

DEAR SIR:—Acknowledgment is hereby made of your recent communication, which reads:

“Section 2980 of the General Code of Ohio provides that the County Commissioners shall fix the aggregate sum to be expended for compensation for deputies, assistant deputies, clerks and other employees of the various county offices, which sum shall be reasonable and proper, but in no case shall the allowance be less than forty per cent on the first \$2,000.00, or fractional part thereof, sixty per cent on the next \$6,000.00 or the fractional part thereof, and eighty-five per cent on all over \$10,000.00 of the fees, costs, percentages, penalties, allowances, and other perquisites collected for the use of the County in any office for official service during the year ending September 30th, next preceding the time for fixing such aggregate sum.

“In determining the amount on which the above minimum is based, we would be pleased to have your opinion as to whether or not fines imposed and collected by the Probate Court of this County should be included under the items of fees, costs, percentages, penalties, allowances and other perquisites collected for use of the county, as set forth in said section.

“In other words, the Probate Office in this County has turned into the treasury of the County during the year ending Sept. 30, 1924, the amount of \$5,097.76. This aggregate amount, however, includes a number of items representing fines imposed and collected by said office. Should these fines be included in this amount for the purpose of determining the aggregate minimum provided for under section 2980 of the General Code?”

Sec. 2977, General Code, reads: