

case, provided the justice making the appointment makes a memorandum thereof on his docket, any person so appointed would be entitled to the regular fees for services rendered pursuant thereto. Such fees are money due to the officer for services performed.

Section 3332 of the General Code provides:

“After taking such oath, the person so appointed, shall have the same authority, be subject to the same penalties, and entitled to the same fees, as other constables.”

Section 3019 of the General Code provides:

“In felonies wherein the state fails, and in misdemeanors wherein the defendant proves insolvent, the county commissioners at the first meeting in January shall make an allowance to justices of the peace and constables, in the place of fees, but in no year shall the aggregate allowance to such officer exceed the fees legally taxed to him in such causes, nor in any calendar year shall the aggregate amount allowed such officer and his successor, if any, exceed one hundred dollars. * * * ”

In answer to your second question it is my opinion that a special constable appointed by a justice of the peace for a special purpose under provisions of Section 3331 of the General Code, may legally receive an allowance in lieu of fees in felonies wherein the State fails, and misdemeanors wherein the defendant proves insolvent, as provided by Section 3019 of the General Code, provided the justice making said appointment made a memorandum on his docket of the special appointment in said particular case.

Respectfully,
EDWARD C. TURNER,
Attorney General.

23.

APPROVAL, FINAL RESOLUTION, ROAD IMPROVEMENT IN JEFFERSON COUNTY, I. C. H. NO. 7, SECTION M-2.

COLUMBUS, OHIO, January 25, 1927.

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

24.

JOINT BOARD OF COUNTY COMMISSIONERS—UNDER SECTIONS 6930 ET SEQ., G. C., MAY CONSTRUCT AND IMPROVE ANY PART OR ALL OF COUNTY LINE ROAD LYING WITHIN MUNICIPALITY—AUTHORITY FROM COUNCIL UNDER SECTION 6949 G. C.

SYLLABUS:

A joint board of county commissioners when acting under authority of Section