

tion he shall pay to the board for the use of the county board of education fund a fee of fifty cents. Applicants taking the examination in two parts shall make on the date when each part is taken an application accompanied with a fee of fifty cents."

This section clearly contemplates the taking of an examination by the applicant and necessitates the taking of some time and energy on the part of the examiners, for which they are compensated under the provisions of section 7834. The issuance of a certificate under section 7832-2 General Code does not contemplate either an examination of the applicant or the taking of the time and energy of the members of the board of examiners and there seems to me to be no occasion for the collection of a fee.

Therefore, I am of the opinion that a teacher's certificate, issued under the provisions of section 7832-2, should be issued without the collection of the fee provided in section 7818 General Code of Ohio.

Respectfully,
C. C. CRABBE,
Attorney-General.

1295.

DISPOSITION OF REWARDS—RECEIVED BY POLICE OFFICERS—SECTION 4623 G. C. CONSTRUED.

SYLLABUS:

Under the provisions of section 4623 G. C. a reward received by a police officer should be paid to the police relief fund and such an officer may not legally retain any part thereof for his own use.

COLUMBUS, OHIO, March 21, 1924.

Bureau of Inspection and Supervision of Public Offices, Columbus, Ohio.

DEAR SIR:—Acknowledgment is made of your recent communication requesting my opinion as follows:

"Section 4623 General Code provides that:

"All fines imposed upon members of the police department of the municipality by way of discipline or punishment by the authority having charge or control thereof, and all rewards, fees, or proceeds of gifts and emoluments allowed by the authority in charge or control of the department, paid and given for or on account of an extraordinary service of any member of the force, and moneys arising from the sale of unclaimed property or money, after deducting all expenses incident thereto, shall be credited to the police relief fund."

In the city of Dayton we find that members of the police department are retaining one-half of the rewards received and one-half thereof is paid to the police relief fund as provided in the above section. These rewards are usually those offered by insurance companies and others for the recovery of stolen automobiles or the arrest and return of deserters from the army or navy of the United States and for information leading to the arrest and conviction of persons for various offenses. This distribution seems to be

a matter of custom, as we have been unable to find any ordinance or other measure passed by council or the city commission which would authorize this procedure.

Question: In view of the above facts is it legal for police officers to retain one-half of the rewards received?"

Your specific question is whether or not the section which you quote requires that rewards received by police officers of the city of Dayton must be paid in their entirety into the police relief fund or whether a part thereof may be retained by the officer receiving the same.

After an analysis of section 4623, while there are other possible interpretations, it is believed that in so far as rewards are concerned the proper interpretation is as if the language therein read:

All rewards paid and given for or on account of any extraordinary service of any member of the force shall be credited to the police relief fund.

In this connection your attention is directed to an opinion rendered by the Attorney-General in 1922, found in the reports for that year at page 496, in which some consideration was given to the meaning of the word "reward" as used in this section. In that opinion it was pointed out that it was inconsistent for an officer to be rewarded or receive double compensation for a duty which he was required to perform. It was also pointed out that the definition for reward as given by Bouvier's Law Dictionary is as follows:

"The offer of recompense given by authority of law for the performance of some act for the public good, which when the act has been performed is to be paid; the recompense actually so paid."

In this case it seems that someone had paid a sheriff \$2,500.00 for services rendered and it was contended by the sheriff that this amount was not a reward but merely a gratuity given by a private individual. This opinion did not decide whether under the circumstances it was a gratuity or a reward.

However, it would seem unnecessary to consider the question further at this time as to what constitutes a reward as distinguished from a gratuity for the reason that you do not request advice upon any specific state of facts in this connection.

Therefore, in answer to your specific inquiry you are advised that under the provisions of section 4623 G. C. a reward received by a police officer should be paid to the police relief fund and such an officer may not legally retain any part thereof for his own use.

Respectfully,
C. C. CRABBE,
Attorney General.

1296.

ABSTRACT, STATUS OF TITLE, LOT 71 OF HAMILTON'S SECOND GARDEN ADDITION, COLUMBUS, OHIO.

COLUMBUS, OHIO, March 21, 1924.

HON. CHARLES V. TRUAX, *Director of Agriculture, Columbus, Ohio.*

DEAR SIR:—An examination of an abstract of title submitted by your office to this department discloses the following: