

sary for the proper conduct of the hospital. The trustees shall fix the compensation of the medical superintendent and other employes. Subject to the rules and regulations prescribed by the board of trustees, the superintendent shall have entire charge and control of the hospital. The trustees shall serve without compensation, but their necessary expense when engaged in the business of the board shall be paid. The trustees, medical superintendent or nurses of such hospital are authorized to attend conferences where the care, treatment or prevention of tuberculosis is a subject for consideration."

The Board of Trustees of the District Tuberculosis Hospital, is thus vested with the general management and control of such hospital. Upon the recommendation of a medical superintendent, who is appointed by the Board of Trustees, nurses and other employees necessary for the proper conduct of the hospital, may be appointed.

Doctor E is now serving as consulting surgeon and was evidently appointed by the trustees of this District Tuberculosis Hospital even though he is now a member of such Board of Trustees. Although he receives no regular salary, and his bills for personal and professional services rendered are not paid by the hospital, but by the separate counties comprising the district, still it is against the settled public policy of this state to allow an appointing officer or members of an appointing body to appoint a member of that body for the performance of personal or professional services.

In Opinions of the Attorney General for 1918, Vol. 2, p. 1676, at p. 1677, 23 Am. and Eng. Ency. of Law, p. 348, was quoted with approval. It states:

"On the ground of public policy, it has been held that the person or member of the collective body invested with appointing power can not be appointed."

There are numerous authorities which could be cited for this proposition, but it is sufficient to say that in the former opinions of this office such has always been uniformly recognized as the rule obtaining in Ohio, unless the General Assembly gives its expressed consent to such appointments.

Consequently, it is my opinion that, a doctor who is a trustee of a District Tuberculosis Hospital may not be appointed by the Board of Trustees to serve as consulting surgeon of such hospital.

Respectfully,

JOHN W. BRICKER,

Attorney General.

2347.

APPROVAL, BONDS OF CITY OF CAMPBELL, MAHONING COUNTY,
OHIO, \$23,496.55.

COLUMBUS, OHIO, March 7, 1934.

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