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JURORS, COMMISSIONER OF — NOT ENTITLED TO RECEIVE
ADDITIONAL COMPENSATION BY REASON OF PERFORMING
DIVERSE CLERICAL DUTIES INCIDENT TO DRAWING AND
IMPANELLING OF JURORS.

SYLLABUS:

A commissioner of jurors is not entitled to receive additional compensation by reason of performing diverse clerical duties incident to the drawing and impanelling of jurors.

Columbus, Ohio, October 6, 1944

Hon. George E. Gerhardt, Prosecuting Attorney
Circleville, Ohio

Dear Sir:

This will acknowledge receipt of your letter wherein you request my opinion on the question of whether one of the commissioners of jurors of your county is entitled to additional compensation by reason of his performing diverse clerical duties incident to the drawing and impanelling of jurors.

Section 11419-4, General Code, is as follows:

“The commissioners shall receive a salary or compensation fixed by the said judge or judges payable monthly out of the county treasury. They may appoint and remove, with the consent of said judge or judges, expressed in writing, as many deputy commissioners as they deem necessary to carry out the intent and purpose of this act. The deputy commissioners shall receive a salary or compensation fixed and paid in like manner as the commissioners. * * *”

This is the authority by which commissioners can appoint deputies and specifically provides by what authority their compensation and that of the deputies shall be paid.

Section 11419-23, General Code, provides for the drawing of jurors by commissioners of jurors, advertising incidental to such drawing and

provides on whom notice shall be served of the time and place of such drawing.

Section 11419-41, General Code, provides as follows:

“The jury year in each county shall begin on the first Mondays of August of each year, provided, however, that the judge or judges may designate otherwise. A new and complete jury list shall be made up annually by the commissioners and shall be certified by them and filed in their office before the beginning of each jury year. The said names shall be entered in a suitable book or record, to be known as the annual jury list, and shall be arranged alphabetically so far as practicable and under convenient divisions by precincts, districts and townships, and shall be properly indexed; and with each name shall be recorded the occupation, place of business and place of residence, as nearly as the same can be ascertained. A duplicate of said annual jury list shall be certified by the commissioner and filed in the office of the clerk of the court of common pleas, and the commissioners may, by order of the court, add to said list, or enter on a supplementary list, the names of persons, their occupations, place of business and place of residence, who shall thereafter be discovered to be qualified to serve as jurors, as herein provided.”

From the above cited sections it can be determined that the services performed by this commissioner of jurors were in line of duty incidental to his office. In the first section referred to in this opinion, it is definitely set forth that the Common Pleas Judge has the sole power to set the compensation for the commissioners of jurors and may, in addition thereto, provide for the appointment of certain clerks and messengers. Your question seems to develop one point and that is, can this commissioner of jurors, having performed services which might have been done by assistants or clerks receive additional compensation for so doing. This question can be disposed of by referring to Section 11419-38, General Code, which reads in part as follows:

“No officer mentioned in this act shall receive any payment or fees for any services required by this act, except as specified in this act. * * *”

The law generally seems clear on the proposition of additional compensation. In Ohio Jurisprudence, Vol. 32, page 1021, Section 162, appears the following:

“There is no doubt that an officer who receives a stated sal-

ary cannot recover further compensation for extra duties, germane to his office, imposed upon him by the legislature, or even for incidental or collateral services which properly belong to, or form a part of, his main office. * * *”

Upon consideration of the foregoing statutes setting forth the duties and obligations of a commissioner of jurors and in view of the last above referred to section of the General Code, it is my opinion that one of your commissioners of jurors is not entitled to receive additional compensation by reason of performing diverse clerical duties incident to the drawing and impanelling of jurors.

Respectfully,

THOMAS J. HERBERT

Attorney General