

construction of the statute to hold that the executive powers could thwart an express direction of the legislature indirectly when it can not be done directly. I am informed that the purpose of the proposed combination of jobs is in order to retrench on expenditures made necessary by reason of the decreased income of the state and while the purpose is commendable and perhaps even necessary, I do not believe such retrenchment may be made in this manner. Since the legislature has neither laid down nor defined the duties of "a superintendent of subsistence" it evidently was the intention of the legislature to delegate the fixation of these duties to the executive or administrative department. Such duty having been delegated by the legislature to the administrative department it might well have been the intent of the legislature to authorize the administrative department to increase, decrease, change or alter the duties of a "superintendent of subsistence" from time to time as changing conditions warrant. If this be true, the administrative officer might distribute additional duties of other nature than those now performed by such employe upon the superintendent of subsistence without increasing his salary above the \$1120.00 fixed by statute and accomplish the necessary retrenchment of expenditures, and thus decrease the number of necessary jobs other than those credited by the legislature. So if the intent of the administrative officer is to retrench expenditures, rather than to abolish a particular job in preference to another job, there is no impediment in the statutes.

I am therefore of the opinion that:

1. Section 2180, General Code, was not repealed by implication by the enactment of the Administrative Code (102 O. L., 215 and 109 O. L., 105).

2. The language of Section 2180, General Code, is mandatory and a superintendent of subsistence must be appointed at the salary therein provided.

3. The position of superintendent of subsistence and the salary therefor being made and determined by the legislature they can only be abolished by the legislature and neither the warden nor the Director of Public Welfare can directly or indirectly abolish such position or increase or decrease the compensation therefor as fixed by Section 2180, General Code.

Respectfully,

GILBERT BETTMAN,

Attorney General.

4114.

APPROVAL, NOTES OF BELOIT VILLAGE SCHOOL DISTRICT, MAHONING COUNTY, OHIO—\$3,250.00.

COLUMBUS, OHIO, February 27, 1932.

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

4115.

APPROVAL, BONDS OF VILLAGE OF UNIVERSITY HEIGHTS, CUYAHOGA COUNTY, OHIO—\$11,000.00.

COLUMBUS, OHIO, March 1, 1932.

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