

"As you state that as city solicitor you have prosecuted a number of state cases in the mayor's court in the last year, and as the law permits the county commissioners to allow additional compensation for such services, I am of the opinion you are entitled to receive compensation from the county commissioners for said cases should they see fit to allow you therefor. As I view it, the compensation provided for in Section 4307, General Code, may be either fixed at a lump sum in advance, or as I view it, the more proper way by fixing the compensation after the services are performed."

The above opinion, covering Section 4307, would be applicable to Section 4568, as the wording of both concerning the allowance of compensation by the county commissioners is practically the same.

I am not unmindful of the general rule as to construction of statutes under which public moneys are spent, but I am of the opinion that if the legislature intended the commissioners should fix an annual compensation, or a term compensation, they would have said so and not left the matter entirely at the discretion of the commissioners. In *State, ex rel., vs. Wall*, 17 Ohio Nisi Prius (N. S.) 33, the court held that the legislature had a right to so leave the fixing of compensation to local authorities, for the reason that such "local authorities are better able to determine as to what that amount should be."

It is plain that the part of a police judge's compensation paid by the county was in addition to the police judge's salary as fixed by the council of the city of which he is an officer, and is not part of his salary governed by Section 4213, General Code, and the commissioners may raise or lower such compensation during the four year term of the incumbent.

Respectfully,
C. C. CRABBE,
Attorney General.

1440.

APPROVAL, BONDS OF CENTER TOWNSHIP, MONROE COUNTY,
\$9,047.18, TO IMPROVE FAIR GROUND ROAD.

COLUMBUS, OHIO, May 8, 1924.

Department of Industrial Relations, Industrial Commission of Ohio, Columbus, Ohio.

1441.

APPROVAL, BONDS OF JEFFERSON COUNTY, \$38,000.00, TO IMPROVE
RAYLAND-MT.PLEASANT, SECTION "B" ROAD.

COLUMBUS, OHIO, May 8, 1924.

Department of Industrial Relations, Industrial Commission of Ohio, Columbus, Ohio.