

when the intent of the Legislature to make such change is clear. Where no effect can be given to the new language in any other manner, the law will be construed to be changed.

The distinction, however, between a mere change of phraseology and the introduction of an entire clause into a statute, the apparent effect of which is to clearly qualify the former statute, is wide and clear, but a mere change in phraseology does not change the meaning previously borne by the statute unless the difference between the language of the two statutes evinces an intent to do so.

This rule is well established, and has been applied by the Supreme Court of Ohio in a number of cases. *State vs. County Commissioners*, 36 O. S. 326, 330; *State vs. Stockley*, 45 O. S. 304-308; *State vs. Stout*, 49 O. S. 270-284; *Collins, Executor vs. Millen, et al.*, 57 O. S. 289; Cyc. Vol. 36, page 1067.

There is nothing in the act in question, as codified in 1910, to indicate that the approval of the compensation fixed by the Court of Common Pleas for the members of a county building commission, should be otherwise than in the manner previously provided for, and the language of the codification apparently indicates that the approval of the compensation fixed should be by the court which had fixed the compensation.

I am therefore of the opinion, in specific answer to your question, that persons appointed on a county building commission for the building of a county home, in accordance with Section 2333, General Code, should receive a reasonable compensation within the limitations fixed by the statute, for the time actually employed, to be fixed by the Court of Common Pleas, and paid from the county treasury, upon the approval of said Court of Common Pleas.

Respectfully,
GILBERT BETTMAN,
Attorney General.

1396.

TRAFFIC SIGNAL LIGHTS—TOWNSHIP TRUSTEES MAY NOT INSTALL
SUCH LIGHTS ON ROADS.

SYLLABUS:

There is no legal authority for the township trustees to install traffic signal lights on either state, county or township roads.

COLUMBUS, OHIO, January 13, 1930.

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

GENTLEMEN:—Your recent communication reads:

“Section 6906, as amended, 112 O. L. 487, among other things provides as follows:

‘The board of county commissioners shall also have authority to purchase, erect and maintain automatic traffic signals, at such intersections of public highways outside of municipalities, as they deem necessary for the protection of the public traveling upon such highways; provided, however, such power and authority shall not extend to intersections of public highways on the state highway system unless the board of county commissioners first obtain the consent and approval of the director.’

Question. May the trustees of a township legally install and maintain traffic lights on township, county or state roads?"

It is clear that Section 6906, General Code, to which you refer, in nowise authorizes the township trustees to install traffic lights.

It is a well known principle of Ohio jurisprudence that township trustees have only such powers as are expressly granted by statute and such implied powers as are necessary to carry into effect the express powers.

In my opinion No. 1247, issued under date of December 3, 1929, to Hon. Alfred Donithen, Prosecuting Attorney, Marion, Ohio, it was held:

"Under the provisions of Section 3440-1, General Code, as amended by the 88th General Assembly, township trustees of any township have power to provide artificial lights for any part of a county highway within such township and outside the boundaries of any municipal corporation, when such township trustees determine that the public safety and welfare require that such highway be lighted."

While Section 3440-1 expressly authorizes the township trustees to provide artificial light under the circumstances therein mentioned, this section, in my opinion, does not authorize the installation of traffic lights by them. In the case of county commissioners, the Legislature deemed it necessary to expressly grant the power. It further provided that the commissioners should not maintain traffic lights at intersections on a state highway without the consent of the Director of Highways. There is no other section of the General Code that undertakes to expressly grant such power to township trustees.

Without further discussion, it is my opinion that there is no legal authority for the township trustees to install traffic signal lights on either state, county or township roads.

Respectfully,
GILBERT BETTMAN,
Attorney General.

1397.

APPROVAL, BONDS OF CAREY VILLAGE SCHOOL DISTRICT, WY-ANDOT COUNTY—\$120,000.00.

COLUMBUS, OHIO, January 13, 1930.

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

1398.

APPROVAL, BONDS OF FOWLER TOWNSHIP RURAL SCHOOL DISTRICT, TRUMBULL COUNTY—\$40,000.00.

COLUMBUS, OHIO, January 13, 1930.

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