

1452.

LEASE—STATE GAME AND BIRD REFUGE, TO STATE FROM PETER C. IRETON AND THOMAS E. IRETON, DESIGNATED LAND, WASHINGTON TOWNSHIP, HARDIN COUNTY.

COLUMBUS, OHIO, November 20, 1939.

HON. DON G. WATERS, *Commissioner, Division of Conservation and Natural Resources, Columbus, Ohio.*

DEAR SIR: You have submitted for my examination and approval a certain lease No. 2443, executed by Peter C. and Thomas E. Ireton to the State of Ohio, on a parcel of land in Washington Township, Hardin County, Ohio, containing 505.96 acres of land. By this lease, which is one for a term of five (5) years, this land is leased and demised to the state solely for state game refuge purposes; and it is noted in this connection that acting under the provisions of Section 1435-1 and other related sections of the General Code, the Conservation Council, acting through you as Commissioner, Division of Conservation and Natural Resources, has set this property aside as a state game and bird refuge during the term of said lease.

Upon examination of this lease, I find that the same has been properly executed and acknowledged by the said lessors and by the Conservation Council acting on behalf of the state through you as Commissioner, Division of Conservation and Natural Resources.

I am accordingly approving this lease as to legality and form as is evidenced by my approval endorsed upon the lease and upon the duplicate copy and triplicate copy thereof, all of which are herewith returned.

Respectfully,

THOMAS J. HERBERT,
Attorney General.

1453.

INCOMPATIBLE OFFICE—MEMBER, BOARD OF TRUSTEES OF PUBLIC AFFAIRS OF VILLAGE—MAY NOT SERVE AS VILLAGE MARSHAL FOR COMPENSATION IN ADDITION TO COMPENSATION AS SUCH MEMBER OF SAID BOARD OF TRUSTEES.

SYLLABUS:

A member of a board of trustees of public affairs for a village may not serve as marshal of such village and receive compensation for the

office of marshal, in addition to his compensation as member of a board of trustees of public affairs of such village.

COLUMBUS, OHIO, November 21, 1939.

HON. RAYMOND O. MORGAN, *Prosecuting Attorney, Wooster, Ohio.*

DEAR SIR: This will acknowledge receipt of your recent communication, requesting my opinion on the question of whether or not a member of the board of trustees of public affairs of a village may, at the same time, act as marshal of the village.

Section 4357, General Code, which provides for the establishment of boards of trustees of public affairs of villages, reads as follows:

“In each village in which water works, an electric light plant, artificial or natural gas plant, or other similar public utility is situated, or when council orders water works, an electric light plant, natural or artificial gas plant, or other similar public utility, to be constructed, or to be leased or purchased from any individual, company or corporation, or when the council shall have determined to establish a schedule of rates or charges of rents for use of the sewerage system and sewage pumping, treatment and disposal works of the village, council shall establish at such time a board of trustees of public affairs for the village, which shall consist of three members, residents of the village, who shall be each elected for a term of two years.”

Section 4219, General Code, reads in part as follows:

“Council shall fix the compensation and bonds of all officers, clerks and employes in the village government, except as otherwise provided by law.”

Section 3808, General Code, reads in part as follows:

“No member of the council, board, officer or commissioner of the corporation, shall have any interest in the expenditure of money on the part of the corporation other than his fixed compensation.”

In light of the foregoing, there can be no doubt that a member of a board of trustees of public affairs for a village is an officer of the village. Such being the case, his compensation would, under the provisions above quoted, be fixed by the council of the village. It will be noted that section 3808, supra, provides “that no *** officer *** shall

have any interest in the expenditure of money on the part of the corporation other than his fixed compensation.”

Obviously, if a member of a board of trustees of public affairs for a village also serves as marshal of such village, he would be performing services for the village outside of his duties as such board member, and if he receives compensation for such outside services it would appear that he would be having an interest in the expenditure of money on the part of such village other than his fixed compensation as trustee of the board of public affairs.

Therefore, in specific answer to your question, I am of the opinion that a member of a board of trustees of public affairs for a village may not serve as marshal of such village and receive compensation for the office of marshal, in addition to his compensation as a member of a board of trustees of public affairs of such village.

Respectfully,

THOMAS J. HERBERT,
Attorney General.

1454.

FEES—CERTIFIED COPY OF JOURNAL ENTRY, RECORD OR PROCEEDING FROM PROBATE JUDGE—SECTION 10501-42 G. C. PROVIDES RATE—WHEN COPY PRESENTED TO JUDGE TO CERTIFY—SECTION 2901 G. C. PROVIDES RATE—WHERE DEPUTY WORKS AFTER OFFICE HOURS AND PROVIDES COPY—TYPING CHARGE NOT SUBJECT OF STATUTORY REGULATION.

SYLLABUS:

When a person requests a certified copy of a journal entry, record or proceeding from a probate judge, the probate judge shall charge and collect for the same at the rate of ten cents per 100 words, with a minimum charge of fifty cents, as provided in section 10501-42, supra. If such person presents a copy of the original journal entry or proceeding to the probate judge, with a request that the judge certify the same to be a correct copy, the judge should be governed by section 2901, supra, in making a charge of thirty-five cents therefor. If the copy of the journal entry, record or proceeding is made by a deputy of the probate court, working after office hours, typing charges made by such deputy are