

cases, such an employe could be paid under the provisions of Section 3004, General Code. The Attorney General held, in the Opinions for the same year, page 641 as disclosed by the second branch of the syllabus:

"If no secret service officer has been appointed by such prosecuting attorney under the provisions of Section 2915-1 of the General Code, the allowance made to a prosecuting attorney under the provisions of Section 3004 of the General Code may be expended in the employment of a person to enforce the traffic laws."

In an opinion found in Opinions of the Attorney General for 1927, page 438, it was held as disclosed by the second and fourth branches of the syllabus:

"2. By Section 2915-1, General Code, the prosecuting attorney is authorized to appoint a secret service officer to aid him in the collection and discovery of evidence to be used in the trial of criminal cases and matters of a criminal nature. Such section further provides that the compensation of such secret service officer shall be fixed by the judge of the Court of Common Pleas of the county in which the appointment is made. A prosecuting attorney may also employ a secret service officer at an annual salary and pay such secret service officer out of the allowance provided by Sections 3004 and 3004-1 of the General Code, notwithstanding the fact that a secret service officer has been appointed under the provisions of Section 2915-1, General Code.

4. Prosecuting attorneys may employ attorneys for the purpose of appearing in courts lower than the Common Pleas Court either for the conducting of preliminary hearings in state cases or for the prosecution of offenses in contravention of state laws and such attorneys may be paid from allowances made to the prosecutor by virtue of Sections 3004 and 3004-1, General Code, or the prosecutor may direct his assistants who have been appointed under and by virtue of Sections 2914 and 2915 of the General Code to conduct such preliminary hearings or prosecutions when in his opinion it is reasonably necessary for the protection of society and in the furtherance of justice."

From the foregoing, it is believed to be evident that if, in your opinion, the furtherance of justice requires it, you may properly employ the duly elected prosecuting attorney prior to the time of his taking office, in connection with the investigation and discovery of evidence and the preparation of cases which will later be for trial, and pay for said services from the fund arising under Sections 3004 and 3004-1, of the General Code.

Respectfully,
GILBERT BETTMAN,
Attorney General.

2535.

APPROVAL, BONDS OF MORROW COUNTY, OHIO—\$9,172.44.

COLUMBUS, OHIO, November 14, 1930.

Industrial Commission of Ohio, Columbus, Ohio.