

ment. From additional data submitted, it appears that the plan under consideration was adopted at the August primary, 1928, and that the members of council to which you refer were elected in November, 1929.

Section 3515-63, to which you refer, providing that the salary of an elective officer must not be changed during the term of such officer, would have no application in the case which you present, for the reason that as yet there has been no salary fixed by the council created under the new plan. Obviously, a salary cannot be changed which is not in existence. Of course, as soon as such salary has been fixed, the section last mentioned would have application. It is believed the foregoing will dispose of your first inquiry.

In considering your second and third inquiries, it will be observed that there appears to be no provisions of the sections relative to this form of government providing that a member of council shall receive no compensation other than that fixed as his salary as such member. Upon the other hand, as pointed out in your communication, the statutes authorize the council to prescribe such duties for the chairman or presiding officer as it deems advisable and Section 3515-53, as amended by the 87th General Assembly, 112 O. L. 201, expressly casts upon him the duties of police justice. It would be unreasonable to conclude, inasmuch as many additional burdens are placed upon such an officer, that he could not be compensated for such services. There is no fundamental objection to an officer receiving compensation for dual services when the two positions are not incompatible or against public policy. I know of no inhibition against such a municipality providing for the additional salary of the member of the present council who acts in the capacity of police justice.

Based upon the foregoing and in specific answer to your inquiries, it is my opinion that:

1. Where a municipality adopts a council-manager plan of government, the said council, after taking office, under the provisions of Section 3515-52 of the General Code, may fix the salary of its members. Section 3515-63 would have no application in connection with the initial fixing of such compensation.

2. Council, under such circumstances, may fix a salary or compensation for the chairman of council as such, in addition to the compensation fixed for him as a member of council for the purpose of compensating him for the additional duties imposed upon him as such chairman and police justice.

Respectfully,
GILBERT BETTMAN,
Attorney General.

1544.

APPLICATION—FOR PERSON TO ACT AS POLICEMAN—GOVERNOR
MAY ONLY COMMISSION PERSONS UPON APPLICATION OF OR-
GANIZATIONS SET FORTH IN SECTION 9150, GENERAL CODE.

SYLLABUS:

The Governor of the State of Ohio has no authority to issue commissions to persons to act as policemen upon the application of companies or associations unless the application is made by a bank or building and loan association, association of banks or building and loan associations, or a company owning or operating a railroad, street railroad, suburban or interurban railroad in this state.

COLUMBUS, OHIO, February 21, 1930.

HON. MYERS Y. COOPER, *Governor of Ohio, Columbus, Ohio.*

MY DEAR GOVERNOR:—I am in receipt of a letter from Mr. Silver, Commission Clerk, which is as follows:

"I would appreciate very much your opinion regarding the appointment of state police for the Governor.

I have received an application from ----- Express Company and am in doubt as to my authority in issuing them police commissions, also in regard to the issuing of commissions to police in detective agencies operating within the state.

Your consideration in this matter will be greatly appreciated."

The Governor of the State of Ohio is authorized to appoint and commission persons to act as policemen upon the application of corporations and associations by virtue of the provisions of Section 9150 of the General Code.

Section 9150 of the General Code provides as follows:

"Upon the application of any bank or building and loan association, association of banks or building and loan associations, or of a company owning or using a railroad, street railroad, suburban or interurban railroad in this state, the Governor may appoint and commission such persons as the bank, building and loan association, association of banks or building and loan associations, or railroad company designates or as many thereof as he may deem proper, to act as policemen for and on the premises of such bank, building and loan association, association of banks or building and loan associations, or railroad or elsewhere, when directly in the discharge of their duties. Policemen so appointed shall be citizens of this state and men of good character. They shall hold office for three years, unless for good cause shown, their commission is revoked by the Governor, or by the bank, building and loan association, association of banks or building and loan associations, or railroad company, as provided by law. Not more than one (of) such policemen shall be appointed for each five miles of a street, suburban or interurban railroad. A fee of five dollars for each commission, shall be paid at the time the application is made, and this amount shall be returned if for any reason a commission is not issued."

You will note that this section authorizes the following to make application to the Governor for commissions for persons to act as policemen. (1) Bank; (2) building and loan associations; (3) association of banks; (4) associations of building and loan associations; (5) company owning or using a railroad; (6) company owning or using a street railroad; (7) company owning or using a suburban railroad; and (8) a company owning or using an interurban railroad.

The term "using" as employed in Section 9150 of the General Code, means "operating" and does not apply to a person or corporation that may have occasion to transport freight by means of a company designated in the section.

I am advised that the express company to which you refer in your letter is a company which is engaged in transporting money and other valuables intracity from one place to another in armored automobiles.

It is apparent from a reading of Section 9150, General Code, that the Governor is not authorized to grant commissions upon application of such corporations or associations or to private detective agencies.

In specific answer to your inquiry, I am of the opinion that the Governor of the State of Ohio has no authority to issue commissions to persons to act as policemen upon the application of companies or associations unless the application is made by a bank or building and loan association, association of banks or building and loan associations, or a company owning or operating a railroad, street railroad, suburban or interurban railroad in this state.

Respectfully,
 GILBERT BETTMAN,
Attorney General.

1545.

APPROVAL, NOTES OF COVINGTON VILLAGE SCHOOL DISTRICT,
 MIAMI COUNTY—\$150,000.00.

COLUMBUS, OHIO, February 21, 1930.

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

1546.

APPROVAL, FINAL RESOLUTIONS ON ROAD IMPROVEMENTS IN
 HOLMES COUNTY.

COLUMBUS, OHIO, February 21, 1930.

HON. ROBERT N. WAID, *Director of Highways, Columbus, Ohio.*

1547.

ELECTION LAW—INITIATIVE AND REFERENDUM PROVISIONS APPLY
 TO MUNICIPALITIES—IMPLIED REPEAL OF INCONSISTENT PRO-
 VISIONS IN SECTIONS 4227-1 TO 4227-13, GENERAL CODE.

SYLLABUS:

*Sections 4227-1 to 4227-13, inclusive, General Code, are not in their entirety re-
 pealed by the Election Laws of the State of Ohio as enacted by the 88th General
 Assembly, but such provisions as contained in these sections of the old law relating to*