

In the case of *State ex rel Allen vs. Lutz*, 111 O. S., 246, Ohio Law Bulletin December 22, 1924, we find that the case was tried in the Supreme Court upon a finding of facts and conclusions of law which stated the essential matters in controversy, and in such findings of facts may be found the following:

"The court further finds that the limitations of salary heretofore referred to, applies only to the compensation of the sanitary engineer, and that such sanitary engineer may employ assistants upon such reasonable terms as may be fixed by the board of county commissioners."

In the opinion of Judge Day, in sustaining the court of appeals in its findings, he concludes with the following:

"The conclusion is that the court of appeals, in refusing the writ of mandamus, was right, and that its judgment in so doing, *and in all other respects*, should be affirmed."

While the case of *Allen vs. Lutz*, supra, was not upon the question of whether the assistant sanitary engineer was limited by section 6602-14, this question was submitted on brief and was argued in that case for the purpose, as stated in the brief, of avoiding another suit. While the opinion is not conclusive upon this subject and would not prevent the question from being again raised in the Supreme Court, it is believed that we should be constrained to follow this decision.

You are therefore advised that under the law as it now exists, the board of county commissioners may employ an assistant to the county sanitary engineer and that the compensation of such assistant may be fixed by the county commissioners on a percentage basis and that the limitations of section 6602-14 do not apply to such assistant.

Respectfully,
C. C. CRABBE,
Attorney General.

2347.

APPROVAL, FINAL RESOLUTIONS, ROAD IMPROVEMENTS IN ALLEN
AND CARROLL COUNTIES.

COLUMBUS, OHIO, April 6, 1925.

Department of Highways and Public Works, Division of Highways, Columbus, Ohio.

2348.

APPROVAL, CONTRACT BETWEEN STATE OF OHIO AND THE REAUGH
CONSTRUCTION COMPANY, OF CLEVELAND, OHIO, FOR CON-
STRUCTION AND COMPLETION OF COMBINED GENERAL CON-
TRACT; INCLUDING ELECTRIC WIRING AND PLUMBING CON-
TRACTS FOR REPAIRING AND REMODELING FEMALE INFIRMARY