

tion 13755, and clearly discloses that said sections relate to criminal cases. It would therefore follow that misdemeanors are included.

You next inquire whether such recovery may be had by the accused in cases taken on error from the court of a mayor or justice of the peace to the court of common pleas.

You are advised that Section 13751 specifically provides that "the judgment or final order of a court of officer inferior to the common pleas court may be reviewed in the common pleas court." The statute itself makes an affirmative answer to your inquiry.

You further inquire whether the costs of the officers of the lower court in the trial of a case in such court may be paid from such appropriation. This inquiry should be answered in the negative, for the reason that the language of Section 13755 must necessarily relate to court costs incurred by the accused. This could not be construed to cover the court costs, not incurred by defendant.

The next question you present is whether compensation of stenographers for taking shorthand notes of testimony and other proceedings in courts inferior to the common pleas court may be paid from such fund.

You intimate that there is no law for same and no fee fixed.

In answer thereto, you are referred to Section 13755 which authorizes the recovery by the accused of costs of bill of exceptions and transcript. It is evident that in a lower court where there is no provision for an official stenographer, the only practical method whereby a bill of exceptions could be obtained would be for the accused to employ at his own expense a stenographer to take the testimony and transcribe the same. It, therefore, must follow that it would be a proper expense to be paid from such fund.

You also raise the question whether the compensation of stenographers in common pleas court in such error proceedings, for taking shorthand notes and making transcript from such notes, may be paid from such appropriation.

You are advised that these questions must be answered in the negative, for the reason that it is a part of such stenographers' duty to take the testimony, for which a salary is paid, and the defendant is not required to advance fees for such service.

Under the sections to which you refer, such stenographer is required to transcribe such testimony upon request of the defendant, and provision is made for the payment of such service from the county treasury and the defendant is not required to incur any expense in this respect.

Respectfully,

C. C. CRABBE,

Attorney General.

2100.

APPROVAL, BONDS OF CITY OF NELSONVILLE, ATHENS COUNTY,
\$3,388.00, STREET IMPROVEMENTS.

COLUMBUS, OHIO, December 20, 1924.

Department of Industrial Relations, Industrial Commission of Ohio, Columbus, Ohio.