

division engineers as compared with \$2,400.00 for the testing engineer and grade 3 engineer,—in other words, the general assembly itself by its appropriations has identified certain engineers as coming within the first part of section 1182 (division engineers) and others as coming within the last quoted part of said section. Since, as has already been pointed out, the action of the state highway commissioner does not affect the distribution of the \$46,750.00 appropriated for division engineers, your question really comes down to the point whether in view of the last quoted part of section 1182, taken in connection with appropriations for "testing engineer" (H. B. 536) and Grade 3 engineer (H. B. 762), the state highway commissioner in fixing salaries may exceed in the case of one of these engineers the \$2,400.00 appropriations made for each of them.

Clearly the answer is in the negative. His power to fix salaries is "within the limits of appropriations." One \$2,400.00 appropriation has been made for an identified Grade 3 engineer, known as testing engineer, and another \$2,400.00 appropriation for an engineer identified by the legislature as a Grade 3 engineer; and in each case under the last quoted part of section 1182 such \$2,400.00 marks the maximum salary limit.

The conclusion just stated is in no wise weakened by the fact that the general assembly in S. B. 258 (108 O. L. part II, p. 1234) when making an appropriation for an additional \$600.00 salary to highway department engineers, made use of the items "eighteen Grade III engineers" and "testing engineer;" for as is shown by section 4 of said act its purpose was to "give each person holding an engineering position \* \* \* who receives a salary of \$2,400.00 *per annum or more*, an increase of fifty dollars per month for the period from January 1, 1920, to June 30, 1921," and the legislature therefore had no reason for the purposes of identification to make a separate appropriation for seventeen division engineers and one Grade 3 engineer.

You refer to the powers of controlling board as set forth in section 4 of H. B. 536. Those powers so far as pertinent to your inquiry concern only the giving of authority to expend moneys otherwise than in accordance with classifications of detailed purposes, but within the purpose for which appropriation is made. They do not extend to the giving of authority to expend money otherwise than as authorized by statute; and as has been indicated, the power of the state highway commissioner as to the maximum of salary of the two engineers in question is limited by statute to the amount of the appropriation.

Respectfully,

JOHN G. PRICE,  
*Attorney-General.*

1456.

APPROVAL, FINAL RESOLUTION FOR ROAD IMPROVEMENT IN LUCAS COUNTY, OHIO.

COLUMBUS, OHIO, July 24, 1920.

HON. A. R. TAYLOR, *State Highway Commissioner, Columbus, Ohio.*

1457.

APPROVAL, BONDS OF MANSFIELD CITY SCHOOL DISTRICT IN AMOUNT OF \$200,000.

COLUMBUS, OHIO, July 24, 1920.

*Industrial Commission of Ohio, Columbus, Ohio.*