

such court and hold office during the pleasure of the court, and may be removed at any time by the judge of the Municipal Court; he shall furnish bond and receive the same compensation as policemen of the city of Portsmouth, Ohio; and shall be assigned and perform the duties as prescribed by law for the bailiff of the Municipal Court of the city of Portsmouth, Ohio.'

Question 4. In view of the provisions of Section 1579-485 G. C., is Ordinance 4042 of any effect?"

It will be observed that Section 1579-486, General Code, which you quote, provides that the bailiff of the Municipal Court shall be a member of the city police force, but it does not give the judge of such court power to select the bailiff, vesting such power in the chief of police.

This enactment is consistent with the provisions of Section 4372, General Code, which you quote, giving the chief of police "exclusive control of the stationing and transferring of all patrolmen."

In answer to your first question, therefore, I am of the opinion that it is the duty of the chief of police to designate one of the members of the police force to serve as bailiff of the Municipal Court.

Coming now to your second question, I am of the opinion that such bailiff would be subject to the rules governing hours of duty, days off, etc., as would not be inconsistent with the orders of the judge or clerk of Municipal Court.

In answer to your third question, I believe that such bailiff would be subject to assignment by the chief of police to such duties on Saturday afternoons, Sundays and holidays as would not interfere with his duties as bailiff.

In answer to your fourth question, I am of the view that Ordinance No. 4042 of the city of Portsmouth is void and of no effect, being in conflict with Section 1579-485, *supra*, which makes all police officers of the city of Portsmouth *ex-officio* deputy bailiffs, and makes it mandatory that the chief of police shall assign one of his police officers as deputy bailiff, upon request of the judge or clerk of Municipal Court.

Respectfully,
GILBERT BETTMAN,
Attorney General.

1348.

APPROVAL, LEASE TO MIAMI AND ERIE CANAL LAND IN CITY OF DELPHOS, VAN WERT COUNTY—WILL J. ALEXANDER.

COLUMBUS, OHIO, December 30, 1929.

HON. RICHARD T. WISDA, *Superintendent of Public Works, Columbus, Ohio.*

DEAR SIR:—You have submitted for my examination and approval a certain lease in triplicate executed by you as Superintendent of Public Works to one Will J. Alexander of Delphos, Ohio, by which there is leased and demised to said named lessee for a term of fifteen years, a certain parcel of abandoned Miami and Erie canal land in the city of Delphos, Van Wert County, Ohio, which parcel is more particularly described in said lease as follows:

"Beginning at a point in the northerly line of Third Street in said city of Delphos, that is 167.5 feet east of the westerly line of Canal Street in said

city, and being the southeasterly corner of a tract of land occupied by Samuel Roberts as designated in corrected description for said tract and running thence northerly with the easterly line of said Roberts tract, 65 feet, to the northeast corner of said Roberts tract; thence easterly at right angles 29.5 feet; thence southerly parallel with the westerly line of Canal street, 65 feet, to the northerly line of Third Street; thence westerly with the northerly line of Third Street 29.5 feet to the place of beginning, and containing 1917 square feet, more or less."

An examination of said lease shows that the same as to form and execution is in compliance with the general provisions of Sections 13965, et seq., General Code, as well as with the more special provisions of the act of March 25, 1925, 111 O. L. 208, providing for the abandonment of the Miami and Erie canal.

Said canal land lease is accordingly approved by me as to legality and form as is evidenced by my approval endorsed upon said lease and upon the duplicate and triplicate copies thereof.

Respectfully,
GILBERT BETTMAN,
Attorney General.

1349.

ASSESSMENTS—SUCH WORD USED IN SECTIONS 5678, 5679, GENERAL CODE, INCLUDES SEWER, ROAD AND DITCH ASSESSMENTS.

SYLLABUS:

Sections 5678 and 5679, General Code, as amended by the 88th General Assembly (113 O. L., 500), include within their terms all assessments that are charged against real estate, whether they are road, ditch or sewer assessments.

COLUMBUS, OHIO, December 31, 1929.

HON. MICHAEL B. UNDERWOOD, *Prosecuting Attorney, Kenton, Ohio.*

DEAR SIR:—Your recent communication reads:

"We beg to submit the following for your opinion:

Sections 5678 and following have been amended. In Section 5678 the words 'and assessments' have been added so that it now reads, 'taxes and assessments'. Likewise 5679.

I have been requested to advise the treasurer whether the words 'and assessments' comprehends sewer assessments, road, and ditch assessments.

It appears to me that they would be included and that the Legislature had intended, but I wish to have your opinion on the matter."

Section 5678, General Code, to which you refer, as amended by the 88th General Assembly (113 O. L., 500) provides:

"If one-half the taxes *and assessments* charged against an entry of real estate is not paid on or before the twentieth of December, in that year, or col-