

**OPINION  
50-166**

January 12, 1950            (OPINION)

RECORDING

RE: Fees for Must Go Into General Fund

I acknowledge receipt of your letter of January 10, 1950, whereby you state that it has been the custom for the county treasurer to credit fees by the register of deed's office to the general fund of the county, and you ask whether or not it would be possible to credit such fees to a special "salary fund" and if times become harder salary warrants might be written against such fund.

In reply, I wish to quote section 11-1014 of the 1943 Revised Code, which reads as follows:

FEES RECEIVED BY COUNTY OFFICERS TURNED OVER TO COUNTY TREASURER. The salaries fixed by this chapter shall be full compensation for all county officials, deputies, clerks, and assistants, respectively, and all fees and compensation received by any official, deputy, clerk, or assistant for any act or service rendered in his official capacity, shall be accounted for and paid over monthly to the county treasurer and be credited to the general fund of said county, except that such official, deputy, clerk, and assistant shall be entitled to retain such fees as now are allowed to him and permitted by law or as may be hereafter permitted and allowed."

Since this section specifically states that the fees shall be credited to the general fund of the county, it is the opinion of this office that unless and until the legislature sees fit to change the laws these said fees must be credited to the general fund of the county and no special salary fund, as you suggest in your letter to me, can be set up and supplied by these fees.

WALLACE E. WARNER

Attorney General