

It was pointed out in the 1930 opinion, *supra*, that in case of epidemic the district health board must apportion the expenses necessary to combat such epidemic among the townships and villages that comprise such health district, if the district health fund is depleted. Consequently there might be a tendency for the township trustee member of the health district board to see that a lesser amount than that which would be reasonable is apportioned to his township. It is true that these two objections might not actually exist since there is a strong presumption that a public official will honestly and fairly administer his public duties. However, the state and its political subdivisions are jealous mistresses and often require much more from their officials than private industries seek from their officials. This office has in numerous opinions followed that early English case of *Rex vs. Tizzard*, 9 B. & C. 418, wherein that famous jurist, Bailey, J. in speaking of incompatibility of offices said:

"I think that the two offices are incompatible when the holder cannot in every instance discharge the duty of each."

The sections of the General Code upon which the 1930 opinion was based have not been amended so far as the present question is concerned. I agree with the conclusion reached in the 1930 opinion and in the reasoning upon which the opinion was based.

Without further extending this discussion it is my opinion in specific answer to your question that the offices of township trustee and member of the board of a general health district are incompatible. Opinions of the Attorney General for 1930, Vol. III, page 1718, approved and followed.

Respectfully,

JOHN W. BRICKER,

*Attorney General.*

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4285.

APPROVAL, BONDS OF CITY OF DAYTON, MONTGOMERY COUNTY, OHIO,  
\$102,000.00.

COLUMBUS, OHIO, May 24, 1935.

*Industrial Commission of Ohio, Columbus, Ohio.*

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4286.

APPROVAL, CONTRACT FOR ARCHITECTURAL SERVICES IN CONNECTION WITH ERECTION OF COTTAGE FOR MASSILLON STATE HOSPITAL, MASSILLON, OHIO, AND FOR COMPENSATION FOR SAME—JOSEPH L. WEINBERG, CLEVELAND, OHIO.

COLUMBUS, OHIO, May 24, 1935.

HON. T. S. BRINDLE, *Superintendent of Public Works, Columbus, Ohio.*

DEAR SIR:—You have submitted for my examination and approval a contract be-