

For the reasons hereinbefore given, I am of the opinion that the form of indemnity contract submitted with your inquiry would not afford the security to a building and loan association, its directors, depositors and patrons that would be afforded by the bond specified in the statute and is not in my opinion such a bond as is contemplated by law.

Respectfully,
 GILBERT BETTMAN,
Attorney General.

583.

FIREMEN—VOLUNTEER—RIGHT TO RECEIVE DOLLAR PER CALL
 FROM TOWNSHIP TRUSTEES.

SYLLABUS:

Under the provisions of Section 3298-54, General Code, the trustees of a township may legally pay to each volunteer fireman the sum of one dollar for attending a fire call.

COLUMBUS, OHIO, July 1, 1929.

HON. E. B. UNVERFERTH, *Prosecuting Attorney, Ottawa, Ohio.*

DEAR SIR:—Acknowledgment is made of your communication which reads:

“Section 3298-54 of the General Code of Ohio reads as follows:

‘Township trustees may establish all necessary regulations to guard against the occurrence of fires, protect the property and lives of the citizens against damages and accidents resulting therefrom, and, when a volunteer fire company has been organized for service in the township, of such character, as to give assurance of permanency and efficiency, may purchase and provide, for the use of such company, such fire apparatus and appliances as may seem to the trustees advisable, in which event they shall provide for the care and maintenance thereof, and, for such purpose, may purchase, lease or construct and maintain necessary buildings; and they may establish and maintain lines of fire alarm telegraph within the limits of the township.’

The township trustees of Pleasant Township, Putnam County, Ohio, have asked me to write to you and inquire whether under this section they are privileged to pay to each volunteer fireman, the sum of one dollar for attending a fire call.”

Section 3298-54, which you quote in your communication, clearly authorizes the establishment of a volunteer fire company for service in a township and further authorizes the township trustees, when such a company is established, to furnish fire apparatus and appliances as may to the trustees seem advisable. The section does not expressly authorize the payment of compensation to members of the fire department for services in such connection. However, the section does authorize the trustees to “establish all necessary regulations to guard against the occurrence of fires.” While, of course, it is somewhat inconsistent to make payment to one who is a volunteer, yet it would seem that the power is vested in the trustees to perform the major duties to provide against fire and a mere nominal fee to be paid to a volunteer would not necessarily destroy the character of the service.

To illustrate, the Constitution of Ohio provides that no person may be a member of the General Assembly who holds another lucrative office in the state or nation. It has been held that a member of the board of education who receives his expenses and a stipulated compensation for the days upon which he attends the meetings of the board is not holding a lucrative office within the meaning of the Constitution. It is believed the same reasoning could logically be applied to the case where a volunteer fireman is paid the small sum of one dollar for attending a fire call. Inasmuch as a small compensation may, to some extent, aid in maintaining such an organization, it is believed the same comes within the power of the trustees in establishing necessary rules and regulations to protect the citizens of the township against fire.

I am advised that the conclusions hereinbefore reached are in accord with the policy of the Bureau of Inspection and Supervision of Public Offices, which said policy was established in pursuance of advice of a former Attorney General.

In this connection, it will be noted that the statutes authorizing the township to provide against fires is patterned after such laws relating to villages. Section 4390, General Code, authorizes council to provide for the employment of firemen and fix their compensation and then further provides that council may provide for "the services of volunteer firemen." It will, therefore, be seen that, in the use of the term "volunteer" fire company in connection with the township powers to guard against fires, the Legislature evidently did not mean to preclude the members thereof from receiving compensation.

In specific answer to your inquiry, you are advised that under the provisions of Section 3298-54, General Code, the trustees of a township may legally pay to each volunteer fireman the sum of one dollar for attending a fire call.

Respectfully,

GILBERT BETTMAN,
Attorney General.

584.

APPROVAL, ABSTRACT OF TITLE TO LAND OF JULIUS AND DUCKE JOHANNSEN IN THE CITY OF FREMONT, SANDUSKY COUNTY, FOR ARMORY PURPOSES.

COLUMBUS, OHIO, July 1, 1929.

HON. A. W. REYNOLDS, *Adjutant General, Columbus, Ohio.*

DEAR SIR:—Acknowledgment is made of your communication submitting warranty deed executed by Julius Johannsen and Anna C. Johannsen, husband and wife, and Ducke Johannsen and Sophia M. Johannsen, husband and wife, conveying part of outlot No. 50 in the city of Fremont to the State of Ohio for armory purposes. The same premises were under consideration in my opinion to you No. 457 under date of May 28, 1929, in which it was pointed out that the abstract disclosed that Julius Johannsen and Ducke Johannsen have a good and indefeasible fee simple title to said land, free and clear of all encumbrances except the inchoate dower interests of their respective wives, and the taxes for the last half of the year 1928 amounting to \$22.00, and the undetermined taxes for the year 1929. In said opinion it was stated:

"An adjustment of these taxes should, of course, be made before the deed conveying this property to the State of Ohio is accepted."

The policy of requiring taxes which are liens to be paid before accepting the