

Also in an opinion found in Opinions of the Attorney General for 1918, Vol. I, page 636, the first and second branches of the syllabus are as follows:

"1. The inhibition found in Section 4207, G. C., against holding another public office is not limited to office in or appointment by the municipality, but extends to all public offices and employments.

2. Whenever a member of council accepts and holds any other public office or employment, he ipso facto forfeits his office of councilman."

In the case of *State ex rel. vs. Gard*, 8 O. C. C. (N. S.) 599, it was held:

"The inhibition against the holding of other public office or employment relating to the qualifications of councilmen, is not limited to other office or employment by the municipality but extends to all public office and employment."

This case was affirmed by the Supreme Court, without opinion, in 75 O. S. 606.

In the Annual Report of the Attorney General for 1913, Vol. II, page 1666, this department was called upon to consider whether or not a deputy sheriff and deputy treasurer might also act as members of a village council. The following language is found in that opinion:

"It has been universally ruled by this department that the section quoted above (4218, General Code) prohibits a person holding any other public office or employment and at the same time remaining a member of council. This prohibition undoubtedly extends to the offices held by the individuals in each case presented by you."

It is clear that the holding of any public office or employment disqualifies a person from membership on the village council. It is also apparent that each of the positions mentioned in your letter is at least one of "public employment."

Specifically answering your question, it is my opinion that the positions held by the persons mentioned in your letter are each and all within the prohibitions contained in Sections 4207 and 4218, *supra*.

Respectfully,
EDWARD C. TURNER,
Attorney General.

1397.

APPROVAL, GAME REFUGE LEASES IN WASHINGTON, MONTGOMERY
AND MEDINA COUNTIES.

COLUMBUS, OHIO, December 19, 1927.

Department of Agriculture, Division of Fish and Game, Columbus, Ohio.

GENTLEMEN:—I have your letter of recent date in which you enclose the following game refuge leases, in duplicate, for my approval:

<i>No.</i>	<i>Name</i>	<i>Acres</i>
957	People's Bank & Trust Co., Lawrence Township, Washington County-----	175
1003	Miami Conservancy Dist., Dayton Township, Montgomery County-----	239
1045	A. W. Chandler, Litchfield Township, Medina County-----	68

I have examined said leases, find them correct as to form, and I am therefore returning the same with my approval endorsed thereon.

Respectfully,
EDWARD C. TURNER,
Attorney General.

1398.

APPROVAL, GAME REFUGE LEASE IN PORTAGE COUNTY.

COLUMBUS, OHIO, December 19, 1927.

Department of Agriculture, Division of Fish and Game, Columbus, Ohio.

GENTLEMEN:—I have your letter of recent date in which you enclose the following game refuge lease, in duplicate, for my approval:

<i>No.</i>	<i>Name</i>	<i>Acres</i>
995	The Cleveland Worsted Mills Co., Portage County-----	1,000

I have examined said lease, find it correct as to form, and I am therefore returning the same with my approval endorsed thereon.

Respectfully,
EDWARD C. TURNER,
Attorney General.

1399.

FIREMEN'S INDEMNITY FUND—LEVY OUTSIDE ALL LIMITATIONS—
SECTION 4647-4, GENERAL CODE, DISCUSSED.

SYLLABUS:

The amount levied by the council under the provisions of Section 4647-4, General Code, for the firemen's indemnity fund is authorized to be levied outside all limitations.

COLUMBUS, OHIO, December 19, 1927.

Bureau of Inspection and Supervision of Public Offices, Columbus, Ohio.

GENTLEMEN:—This will acknowledge receipt of your recent communication which reads: