

2375.

CONSTABLE—AUTHORITY OF TOWNSHIP TRUSTEES TO DESIGNATE
—NO MORE THAN ONE MAY BE NAMED BY TOWNSHIP TRUS-
TEES FOR POLICE DUTY.

SYLLABUS:

Under the provisions of Section 3348, General Code, township trustees are not authorized to designate more than one duly elected and qualified constable as police constable.

COLUMBUS, OHIO, September 26, 1930.

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

GENTLEMEN:—Your letter of recent date is as follows:

“You are respectfully requested to furnish this department with your written opinion upon the following:

Section 3348 of the General Code provides that the trustees of a township may designate any duly elected and qualified constable as police constable.

Question: In a township having two duly elected and qualified constables, may both such constables be designated as police constables?”

Under the provisions of Section 3327, General Code, the trustees of any township may direct that more than one constable be elected in such township. The section provides:

“Such number of constables as directed by the trustees shall be elected, biennially, in each township who shall, each, hold his office for a term of two years, commencing on the first day of January next after his election.”

Section 3348, to which you refer, provides as follows:

“The trustees of a township may designate any duly elected and qualified constable as police constable. The trustees may pay such police constable from the general funds of the township not to exceed one dollar and fifty cents per day for the time actually spent in keeping the peace, protecting property and performing his duties as police constable as required by law. Such police constable shall not be paid under this section for services for which the statute elsewhere provides a fee, and he shall file an itemized bill of his expenses and services with the trustees before they may be allowed and paid.”

By adopting a liberal construction of Section 3348, *supra*, it may be argued that the trustees being authorized to designate “any duly elected and qualified constable as police constable,” in the event one of the constables has already been so designated, there is nothing to prevent another constable being designated as police constable. Under the general rule, however, that statutes conferring power should be strictly construed and particularly in view of the fact that this is a statute involving the expenditure of township funds, police constables being entitled to additional compensation as provided in this section, I am inclined to the view that the statute should be strictly construed. The words used therein are in the singular and in the event the board of township trustees has, under authority of this section, designated a duly elected and qualified constable as police constable, they have exhausted the

authority therein conferred and there is no authority to so designate more than one duly elected and qualified constable.

Respectfully,
GILBERT BETTMAN,
Attorney General.

2376.

VOLUNTEER FIRE COMPANY—TOWNSHIP TRUSTEES MAY ENTER INTO CONTRACT WITH SUCH COMPANY TO FURNISH FIRE PROTECTION TO THE TOWNSHIP—MAY NOT MAKE DONATION TO SUCH VOLUNTEER FIRE COMPANY TO HELP CONSTRUCT BUILDING.

SYLLABUS:

1. *There is no authority whereby a board of township trustees may make a donation to a village volunteer fire company for the purpose of assisting in the construction of a building.*

2. *The board of township trustees may lawfully enter into a contract and pay a volunteer fire company for its services in furnishing fire protection to the township.*

COLUMBUS, OHIO, September 26, 1930.

HON. LESLIE S. WARD, *Prosecuting Attorney, Wauseon, Ohio.*

DEAR SIR:—Your recent communication reads as follows:

“The Volunteer Fire Department of Wauseon, Ohio, has in the past, through the giving of dances, banquets and carnivals, accumulated \$3500.00 for a fund to be used in the construction of a rest room in the Village of Wauseon, Ohio, for the benefit of the traveling public, Clinton Township and the Village of Wauseon, Ohio. The fire company has commenced the construction of the building and have the building partially completed. The total cost of the same amounts to approximately \$5,000.00. The Clinton Township trustees know the value of the building and the good it will do their township and wish to pay for the tiling of the floors in the building, which amounts to \$550.00. They have asked the writer to tell them how this expenditure can be legally made.

The Clinton Township trustees have a fire apparatus for the protection of their township in the event of fire. The Volunteer Fire Department of Wauseon, Ohio, has organized out of the Wauseon Volunteer Fire Department of Wauseon, Ohio, the Clinton Township Volunteer Fire Department and fights fires anywhere in the township without cost to the township trustees or to the township.

Will you kindly advise if there is any way possible that this expenditure can be made by way of legislation on their part or by way of the township trustees paying the fire department for the fighting of their fires which have occurred in the past three years. This the trustees are willing to do and the money which is received by the members of the department is to be turned over to the Fire Department's Rest Room Building Fund.

You will plainly see that the people of Clinton Township are practically