

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.

4285.

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

COLUMBUS, OHIO, May 24, 1935.

Industrial Commission of Ohio, Columbus, Ohio.

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-

tween the State of Ohio, acting by and through the Department of Public Works for and on behalf of the Department of Public Welfare, Columbus, Ohio, and Joseph L. Weinberg of Cleveland, Ohio, for architectural services in connection with the erection of a cottage for the Massillon State Hospital, Massillon, Ohio, and providing for compensation to the architect in an amount equal to five and one-half per cent (5½%) of the amount paid out by the State of Ohio under and on account of contracts entered into by the State for the construction of said improvement.

You have also submitted evidence that the Controlling Board has approved the expenditure of moneys for this contract in accordance with section 1 of House Bill No. 69 of the second special session of the 90th General Assembly. You have also submitted encumbrance estimate No. 19 of the Department of Finance.

Finding said contract in proper legal form, I have endorsed my approval thereon and return the same herewith to you, together with all other papers submitted in this connection.

Respectfully,
 JOHN W. BRICKER,
Attorney General.

4287.

APPROVAL, BOND FOR THE FAITHFUL PERFORMANCE OF THEIR DUTIES
 —ROBERT E. JENKINS, WALTER A. BURG, J. E. LEADERS, AS RESIDENT DISTRICT DEPUTY DIRECTORS OF HIGHWAYS.

COLUMBUS, OHIO, May 24, 1935.

HON. JOHN JASTER, JR., *Director of Highways, Columbus, Ohio.*

DEAR SIR:—You have submitted bonds in the penal sum of \$5,000, with surety as indicated, to cover the faithful performance of the duties of the officials, as hereinafter listed:

Robert E. Jenkins, Resident District Deputy Director in Gallia County—The Fidelity and Casualty Company of New York.

Walter A. Burg, Resident District Deputy Director in Clark and Champaign Counties—Standard Accident Insurance Company.

J. E. Leaders, Resident District Deputy Director in Defiance County—United States Fidelity and Guaranty Company of Baltimore, Maryland.

The above listed bonds are undoubtedly executed pursuant to the provisions of sections 1183 and 1182-3, General Code, which state, in so far as pertinent:

Sec. 1183. “* * * Such resident district deputy directors shall * * * give bond in the sum of five thousand dollars. * * *”

Sec. 1182-3. “* * * All bonds hereinbefore provided for shall be conditioned upon the faithful discharge of the duties of their respective positions, and such bonds * * * shall be approved as to the sufficiency of the sureties by the director (of highways), and as to legality and form by the attorney