

there is no authority for the township trustees to make a donation to the volunteer fire department, nor to become joint owner in the purchase of property. Moreover, there would seem to be nothing in view of the facts stated to justify payment for services already past upon the theory of moral obligations or otherwise. However, there seems to be no inhibition against the township entering into a contract for the volunteer company to furnish future service upon such terms as are agreed upon. Of course, the compensation to be paid by the township should be commensurate with the service to be rendered, and the amount paid becomes the property of the department and may be used as it sees fit.

In view of the foregoing, it is my opinion:

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.

Respectfully,

GILBERT BETTMAN,

Attorney General.

2377.

APPROVAL, CONTRACT BETWEEN THE STATE OF OHIO AND P. C. O'NEILL, COLUMBUS, OHIO, FOR HEATING AND VENTILATING SYSTEM IN CENTRAL UNIT OF CHEMISTRY BUILDING, MIAMI UNIVERSITY, OXFORD, OHIO, AT AN EXPENDITURE OF \$16,533.00—SURETY BOND EXECUTED BY THE CONTINENTAL CASUALTY COMPANY, CHICAGO, ILLINOIS.

COLUMBUS, OHIO, September 26, 1930.

HON. ALBERT T. CONNAR, *Superintendent of Public Works, Columbus, Ohio.*

DEAR SIR:—You have submitted for my approval a contract between the State of Ohio, acting by the Department of Public Works, for the Board of Trustees of Miami University, Oxford, Ohio, and P. C. O'Neill, of Columbus, Ohio. This contract covers the construction and completion of contract for combined heating system and ventilating system in a building known as Central Unit of Chemistry Building, Miami University, Oxford, Ohio, as set forth in Item M-8, Item M-27 Alternate AB, and Item M-33, Alternate MG of the Form of Proposal dated June 24, 1930. Said contract calls for an expenditure of sixteen thousand five hundred and thirty-three dollars (\$16,533.00).

You have submitted the certificate of the Director of Finance to the effect that there are unencumbered balances legally appropriated in a sum sufficient to cover the obligations of the contract. You have also furnished evidence to the effect that the consent of the Controlling Board to the expenditure has been obtained as required by Section 2 of House Bill No. 513 and Section 11 of House Bill No. 510 of the 88th General Assembly. In addition, you have submitted a contract bond, upon which the Continental Casualty Company of Chicago, Illinois, appears as surety, sufficient to cover the amount of the contract.

You have further submitted evidence indicating that plans were properly prepared and approved, notice to bidders was properly given, bids tabulated as required by law and the contract duly awarded. Also it appears that the laws relating to

the status of surety companies and the workmen's compensation have been complied with.

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

Respectfully,

GILBERT BETTMAN,
Attorney General.

2378.

APPROVAL, BONDS OF GUERNSEY COUNTY, OHIO—\$79,928.69.

COLUMBUS, OHIO, September 26, 1930.

Retirement Board, State Teachers Retirement System, Columbus, Ohio.

2379.

WORKMEN'S COMPENSATION—LAW APPLICABLE TO ALL EMPLOYERS AND EMPLOYEES ENGAGED IN INTERSTATE COMMERCE IN OHIO—WHERE CONGRESS OF THE UNITED STATES HAS ENACTED LEGISLATION ESTABLISHING A RULE OF LIABILITY.

SYLLABUS:

1. *The Workmens Compensation Law of Ohio is applicable to employers and employes engaged in interstate commerce, unless the congress of the United States has enacted laws establishing a rule of liability or method of compensation applicable to the business in which said employer and employes are engaged.*

2. *All of the employes in the service of an employer subject to the provisions of the Workmen's Compensation Law of Ohio are entitled to the benefits of that act while so engaged in the employer's regular business in this state.*

COLUMBUS, OHIO, September 27, 1930.

The Industrial Commission of Ohio, Columbus, Ohio.

GENTLEMEN:—This will acknowledge your request for my opinion on the following facts:

"1. _____ Company is a corporation under the laws of the State of Illinois. It manufactures and sells instruments,

- (a) For measuring, indicating and recording the flow of fluids in pipes;
- (b) For measuring, indicating, recording and controlling temperatures in industrial processes;
- (c) For analyzing, indicating and recording the carbon dioxide (CO²) content of flue gases and other products of combustion.
- (d) For measuring, indicating and recording the height of liquids in