

tion was *necessary for the proper construction of the sewer*, and that the cost of the sewer was not in excess of that of an ordinary sewer of the same character, made reference to a statute which the court evidently believed to confer authority on council to include the pumping station in the assessment cost, namely, what is now section 3890, reading:

"The councils of municipal corporations, in accordance with the provisions of this title, may provide for the construction and maintenance of such sewer pumping stations, and equip them with necessary machinery and apparatus and provide the necessary buildings therefor, as the council deems necessary."

While the case cited presents a situation somewhat similar to that with which we are now dealing, it is not to be accepted as furnishing a rule for cases wherein statutory authority for an assessment is clearly lacking.

Respectfully,
 JOHN G. PRICE,
Attorney-General.

1292.

STATE REGISTRAR OF AUTOMOBILES—MAY REGISTER MOTOR VEHICLES OWNED BY THE AMERICAN NATIONAL RED CROSS SOCIETY WITHOUT CHARGE.

The American National Red Cross is a body politic and corporate functioning as an agency of the government of the United States in times of peace as well as in times of war. The state registrar of automobiles should register motor vehicles owned by the American Red Cross without charge.

COLUMBUS, OHIO, May 28, 1920.

HON. HARVEY C. SMITH, *Secretary of State, Columbus, Ohio.*

DEAR SIR:—The registrar of automobiles has requested an opinion from this department, as follows:

"Please advise the automobile department with a ruling on the following: Section 6920, House Bill 573—Motor Vehicles.

Under this chapter are vehicles owned by the county or state chapters of the American Red Cross Society exempted from the payment of vehicle license tax?"

It is believed that section 6295 G. C. contains a material provision to be considered in connection with your question, as follows:

"Publicly owned and operated motor vehicles used exclusively for public purposes shall be registered as provided in this chapter, without charge of any kind; but this provision shall not be construed as exempting the operation of such vehicles from any other provision of this chapter and the penal laws relating thereto. The secretary of state shall accept any application to register a motor vehicle owned by the federal government which may be made by any officer, department or agent of such government."

This provision was given some consideration in Opinion No. 962, rendered to your department January 24, 1920, from which the following is quoted:

"It is believed that the language 'publicly owned and operated motor vehicles used exclusively for public purposes' relates to motor vehicles owned by the nation, state or any of their legally constituted subdivisions."

The question that now arises is whether or not the status of the American National Red Cross is such as to legally constitute it an agent of the government of the United States. In further determining this matter it becomes necessary to consider the provisions of the laws enacted by congress relative to the creation and powers of said society as found in sections 7697 to 7706 inclusive of the United States Compiled Statutes.

Section 7697, which was last amended January 5, 1905, contains a lengthy recital of the historical facts as established by treaties and actions of the various nations participating in the movement to mitigate the evils of war and ameliorate the condition of wounded soldiers on the field of battle including the United States, from August 22, 1864, the date upon which the first agreement was entered into at Geneva, Switzerland, down until the date of the enactment of said section. The concluding paragraph of said section is as follows:

"Whereas it is believed that the importance of the work demands a repeal of the present charter and a reincorporation of the society under government supervision: Now, therefore,

Clara Barton, (here follows a long list of prominent citizens of the United States) together with five other persons to be named by the president of the United States, one to be chosen from each of the departments of state, war, navy, treasury, and justice, their associates and successors, are hereby created a body corporate and politic in the District of Columbia."

Section 7699, which relates to the purposes of the American National Red Cross, provides:

"The purposes of this corporation are and shall be—

First. To furnish volunteer aid to the sick and wounded of armies in time of war, in accordance with the spirit and conditions of the conference of Geneva of October, eighteen hundred and sixty-three, and also of the treaty of the Red Cross, or the treaty of Geneva of August twenty-second, eighteen hundred and sixty-four, to which the United States of America gave its adhesion on March first, eighteen hundred and eighty-two.

Second. And for said purposes to perform all the duties devolved upon a national society by each nation which has acceded to said treaty.

Third. To succeed to all the rights and property which have been hitherto held and to all the duties which have heretofore been performed by the American National Red Cross as a corporation duly incorporated by act of congress June sixth, nineteen hundred, which act is hereby repealed and the organization created thereby is hereby dissolved.

Fourth. To act in matters of voluntary relief and in accord with the military and naval authorities as a medium of communication between the people of the United States of America and their army and navy, and to act in such matters between similar national societies of other government and the people and the army and navy of the united governments through the 'Comite International de Secours,' and the States of America.

Fifth. And to continue and carry on a system of national and international relief in time of peace and apply the same in mitigating the sufferings caused by pestilence, famine, fire, floods, and other great national calamities, and to devise and carry on measures for preventing the same."

Section 7701, which will not be quoted because of its length, provides for a central committee as a governing body for said society. At present six are appointed by the incorporators, six by the state and territorial societies and six by the president, one of whom shall be designated by him as chairman.

Under the provisions of section 7702 as enacted February 27, 1917, the secretary of war is required to audit the financial report of said society.

A careful consideration of the statutes herein referred to compels the conclusion that the American National Red Cross is a body politic and corporate, functioning as an agent of the government of the United States in times of peace as well as in times of war. It is believed that the view herein taken is supported by the opinion of the supreme court in the case of Overholser vs. National Home for Disabled Soldiers, 68 O. S. 236.

You are therefore advised that motor vehicles owned and operated by any chapter of the American National Red Cross should be registered without charge.

Respectfully,

JOHN G. PRICE,
Attorney-General.

1293.

ROADS AND HIGHWAYS—HOW STATE HIGHWAY COMMISSIONER IS TO CHARGE CERTAIN ITEMS FOR PAYMENT AS APPROPRIATED IN HOUSE BILL NO. 558 AND HOUSE BILL NO. 279.

State highway commissioner advised as to funds which are to be charged with certain items for the payment of which appropriations have been made by the General Assembly.

COLUMBUS, OHIO, May 28, 1920.

HON. A. R. TAYLOR, *State Highway Commissioner, Columbus, Ohio.*

DEAR SIR:—Your letter of recent date is received, reading as follows:

"About the first of April the state auditor, in accordance with the provisions of House Bill No. 558, issued the following warrants:

H. E. Culbertson.....	\$50,000 00
Galbreath & Shoemaker.....	375 98
Thos. J. McKim.....	3,000 00
D. E. Sullivan & Son.....	1,607 87
	<hr/>
	\$54,983 85

and on April 20, 1920, in accordance with the provisions of House Bill No. 279 issued a number of warrants payable to contractors for excess freight amounting to \$82,733.72, making a total of \$137,717.57 which he charged out of the inter-county highway fund.