

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.

2714.

GENERAL ASSEMBLY—MEMBER THEREOF MAY ALSO HOLD OFFICE
OF TOWNSHIP TRUSTEE.

SYLLABUS:

A member of the General Assembly is not prohibited from holding simultaneously the office of township trustee.

COLUMBUS, OHIO, December 24, 1930.

HON. DON ISHAM, *Prosecuting Attorney, Akron, Ohio.*

DEAR SIR:—Acknowledgment is made of your recent request which reads as follows:

“Is there any prohibition against one person holding simultaneously the offices of township trustee and representative to the General Assembly?”

Section 4, Article II of the Constitution of Ohio, which is pertinent to your inquiry, is as follows:

“No person, holding office under the authority of the United States, or any lucrative office under the authority of this state, shall be eligible to, or have a seat in, the General Assembly; but this provision shall not extend to township officers, justices of the peace, notaries public or officers of the militia.”

It can be seen from an examination of this provision that it specifically excepts a township officer from the effect of the prohibitory language of the section.

This provision is followed in Section 15, General Code, which reads as follows:

“No member of either house of the General Assembly except in compliance with the provisions of this act shall:

1. Be appointed as trustee or manager of a benevolent, educational, penal or reformatory institution of the state, supported in whole or in part by funds from the state treasury.

2. Serve on any committee or commission authorized or created by the General Assembly, which provides other compensation than actual and necessary expenses;

3. Accept any appointment, employment or office from any committee or commission authorized or created by the General Assembly, or from any executive, or administrative branch or department of the state, which provides other compensation than actual and necessary expenses.

Any such appointee, officer or employee who accepts a certificate of election to either house shall forthwith resign as such appointee, officer or employee and in case he fails or refuses to do so, his seat in the General Assembly shall be deemed vacant. Any member of the General Assembly who accepts any such appointment, office or employment, shall forthwith resign from the General Assembly and in case he fails or refuses to do so, his seat in the General Assembly shall be deemed vacant. But the provisions of this section shall not apply to school teachers, township officers, justices of the peace, notaries public or officers of the militia."

It will be noted that both the constitutional and legislative provisions eliminate township offices from the list of those positions which members of the General Assembly may not assume.

That a township trustee is a township officer seems to be so well settled that no citation of authorities is necessary.

In specific answer to your inquiry, therefore, it is my opinion that a member of the General Assembly is not prohibited from holding simultaneously the office of township trustee.

Respectfully,
GILBERT BETTMAN,
Attorney General.

2715.

INMATE OF COUNTY HOME—COMES INTO POSSESSION OF PROPERTY WHILE RESIDENT THERE—PAYMENT FOR SUPPORT PRIOR TO INHERITANCE MAY NOT BE ENFORCED.

SYLLABUS:

Where an inmate of a county home has no property at the time of admission, but later comes into the possession of property, which is taken possession of by the county under the provisions of Section 2548 and related sections, such property may not be used for the purpose of paying the support of such inmate to said institution for the period prior to the time when the inmate comes into possession of such property.

COLUMBUS, OHIO, December 24, 1930.

HON. GEORGE E. SCHROTH, JR., *Prosecuting Attorney, Tiffin, Ohio.*

DEAR SIR:—This will acknowledge the receipt of your recent communication, which reads as follows:

"B. S. is now, and has been since January 21, 1919, an inmate of the Seneca County Home. At the time B. S. became an inmate of said home, he was destitute. He had at said time a mother and sister living and neither of them had any means with which to support him at the time.

On September 11, 1929, M. R. H. was appointed guardian of said B. S. by the Probate Court of Seneca County, Ohio. On May 31, 1929, R. S., mother of B. S., died, and as an heir said B. S. inherited a fair sized estate. The said R. S. inherited all of the estate, of which she died possessed, from a deceased brother who predeceased her by a few years.

Query: For what period of time is M. R. H., as guardian, bound to pay Seneca County, Ohio, for the care and support of his said ward at the county infirmary?"