

To illustrate, the Constitution of Ohio provides that no person may be a member of the General Assembly who holds another lucrative office in the state or nation. It has been held that a member of the board of education who receives his expenses and a stipulated compensation for the days upon which he attends the meetings of the board is not holding a lucrative office within the meaning of the Constitution. It is believed the same reasoning could logically be applied to the case where a volunteer fireman is paid the small sum of one dollar for attending a fire call. Inasmuch as a small compensation may, to some extent, aid in maintaining such an organization, it is believed the same comes within the power of the trustees in establishing necessary rules and regulations to protect the citizens of the township against fire.

I am advised that the conclusions hereinbefore reached are in accord with the policy of the Bureau of Inspection and Supervision of Public Offices, which said policy was established in pursuance of advice of a former Attorney General.

In this connection, it will be noted that the statutes authorizing the township to provide against fires is patterned after such laws relating to villages. Section 4390, General Code, authorizes council to provide for the employment of firemen and fix their compensation and then further provides that council may provide for "the services of volunteer firemen." It will, therefore, be seen that, in the use of the term "volunteer" fire company in connection with the township powers to guard against fires, the Legislature evidently did not mean to preclude the members thereof from receiving compensation.

In specific answer to your inquiry, you are advised that under the provisions of Section 3298-54, General Code, the trustees of a township may legally pay to each volunteer fireman the sum of one dollar for attending a fire call.

Respectfully,

GILBERT BETTMAN,
Attorney General.

584.

APPROVAL, ABSTRACT OF TITLE TO LAND OF JULIUS AND DUCKE JOHANNSEN IN THE CITY OF FREMONT, SANDUSKY COUNTY, FOR ARMORY PURPOSES.

COLUMBUS, OHIO, July 1, 1929.

HON. A. W. REYNOLDS, *Adjutant General, Columbus, Ohio.*

DEAR SIR:—Acknowledgment is made of your communication submitting warranty deed executed by Julius Johannsen and Anna C. Johannsen, husband and wife, and Ducke Johannsen and Sophia M. Johannsen, husband and wife, conveying part of outlot No. 50 in the city of Fremont to the State of Ohio for armory purposes. The same premises were under consideration in my opinion to you No. 457 under date of May 28, 1929, in which it was pointed out that the abstract disclosed that Julius Johannsen and Ducke Johannsen have a good and indefeasible fee simple title to said land, free and clear of all encumbrances except the inchoate dower interests of their respective wives, and the taxes for the last half of the year 1928 amounting to \$22.00, and the undetermined taxes for the year 1929. In said opinion it was stated:

"An adjustment of these taxes should, of course, be made before the deed conveying this property to the State of Ohio is accepted."

The policy of requiring taxes which are liens to be paid before accepting the

same to the State is for the purpose of course of protecting amounts due taxing subdivisions in which the real estate is located. It is believed that the lien could not be asserted against the State of Ohio when it has properly taken title to the same.

It is noted that the attorneys who are looking after this transaction for the grantors state that under the terms of the deed the grantors fully understand that they are to pay the taxes above mentioned and they further state that said grantors are amply able to meet said obligation.

In view of these circumstances, inasmuch as the State does not have any funds to expend in order to obtain such property, it is believed that this requirement may be properly waived in this instance.

While the deed submitted is in proper form and has been duly signed by the grantors above mentioned, it is noted that the notary public who took the acknowledgment of said parties has failed to indicate the date when such acknowledgment was taken. It is believed that this should be properly corrected before it is accepted. When such correction is made it is believed that the deed when accepted by you will be sufficient to convey the premises to the State. Said abstract and deed are being returned herewith.

Respectfully,

GILBERT BETTMAN,

Attorney General.

585.

DISAPPROVAL, NOTES OF LIMA RURAL SCHOOL DISTRICT, LICKING COUNTY, OHIO—\$24,000.00.

COLUMBUS, OHIO, July 2, 1929.

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

Re: Notes of Lima Rural School Dist., Licking County, Ohio, \$24,000.00.

GENTLEMEN:—An examination of the transcript pertaining to the above issue of notes discloses that the notice of election was published for four consecutive weeks beginning on October 11, 1928, which was twenty-six days before the election.

This notice was published pursuant to the provisions of Section 2293-21, General Code, requiring that such notices of election shall be published in one or more newspapers of general circulation in the subdivision once a week for four consecutive weeks prior thereto.

Following the decision of the Supreme Court of Ohio in the case of *State vs. Kuhner and King*, 107 O. S. 406, this office has repeatedly held that in the absence of a decision by a proper court to the contrary, publication of the notice of election for a period less than twenty-eight days is not a sufficient compliance with Sections 2293-21 of the General Code.

See Opinion No. 309, under date of April 15, 1929.

In view of the foregoing, I advise you not to purchase the above issue of notes.

Respectfully,

GILBERT BETTMAN,

Attorney General.