

such as may apply to conditions existing within the territorial limits of the municipality.

Section 12784, General Code, provides a penalty for the pollution of a running stream, the water of which is used for domestic purposes by a municipality, and provides that the jurisdiction of a municipality to prevent the pollution of its water supply and to provide penalty therefor, shall extend twenty miles beyond the corporation limits. However, by its terms the provisions of this section are limited to running streams and do not cover a water supply secured from wells.

If the waterworks property were located within the territorial limits of the city of Xenia, I would have no difficulty in determining that the council of said city could by ordinance protect its source of water supply by prescribing the method of construction of privy vaults, cesspools or other means of disposing of household wastes within a radius of five hundred feet of any of the wells from which such waste supply was taken. However, as the water works property is located outside the territorial limits of the city, it is my opinion that the provisions of section 3, article XVIII of the Ohio Constitution, *supra*, are applicable and such ordinances of the city would be without force and effect.

While in my opinion the city of Xenia is without power by ordinance to protect its water supply from possible contamination resulting from the construction of summer cottages on land contiguous to the city's water works property, it is suggested that if the city is unable to purchase the necessary property, it may proceed under sections 3677, *et seq.*, General Code, to appropriate a sufficient quantity of the land in question to insure the purity of its water supply. By sub-section 13 of section 3677, General Code, a municipality is empowered to provide for a supply of water for itself and its inhabitants and for the protection thereof, by appropriating property within or without its limits. The procedure to be followed in making such appropriation is outlined in the succeeding sections.

Respectfully,

EDWARD C. TURNER,
Attorney General.

555.

COUNTY COMMISSIONERS—INTERPRETATION OF SECTION 2419,
GENERAL CODE, AND THE PHRASE "OTHER MEANS OF SECURITY
IN THE COUNTY TREASURY".

SYLLABUS:

In the construction of Section 2419, General Code, the words "other means of security in the county treasury" should be construed as meaning means of physical security of like nature to the security provided for by the authorization to furnish room, fireproof and burglar-proof vaults and safes and cannot be extended to mean authorization for the county commissioners to purchase and pay for from county funds burglary or hold-up insurance or insurance against forgery for the protection of the county treasurer.

COLUMBUS, OHIO, June 2, 1927.

Bureau of Inspection and Supervision of Public Offices, Columbus, Ohio.

GENTLEMEN:—I have your communication of the 26th instant reading as follows:

"Referring to Opinion No. 527, rendered to this Department under date of May 24th, 1927, in which you reply to our inquiries as to the authority of

the county commissioners to pay burglary or hold-up insurance for the county treasurer or for any other county officer, or for insurance against forgery for the county treasurer, we note that in your opinion you make no reference to Section 2419 of the General Code, which requires the county commissioners to provide all room, fire and burglar-proof vaults and safes *and other means of security* in the office of the county treasurer, necessary for the protection of public moneys and property therein, we are wondering whether the provisions of this section have been given any consideration and if not, whether a consideration of such provisions might in any way modify your opinion. Please advise us."

Opinion No. 527 rendered by this department on May 24, 1927, held that county commissioners were not authorized to expend public funds for the purchase of hold-up, burglary or forgery insurance for the county treasurer. You now call my attention to Section 2419, General Code, and ask whether I have given any consideration to the provisions of this statute, and if not whether upon such consideration I might modify my opinion.

Section 2419, General Code reads as follows:

"A court house, jail, public comfort station, offices for county officers and an infirmary shall be provided by the commissioners when in their judgment they or any of them are needed. Such buildings and offices shall be of such style, dimensions and expense as the commissioners determine. They shall also provide all the equipment, stationery and postage, as the county commissioners may deem necessary for the proper and convenient conduct of such offices, and such facilities as will result in expeditious and economical administration of the said county offices. They shall provide all room, fire and burglar-proof vaults and safes and other means of security in the office of the county treasurer, necessary for the protection of public moneys and property therein."

I did not quote the provisions of this statute upon the rendition of the opinion to which you refer, for the reason that to my mind its purposes were so far afield from the subject of inquiry that I could see no relation between it and the question of the right of county commissioners to provide insurance for the protection of the county treasurer.

Section 2419, *supra*, authorizes the county commissioners to provide room, fire and burglar-proof vaults and safes and follows this by saying "other means of security in the office of the county treasurer." The expression "other means of security" used as it is in conjunction with other descriptive words clearly implies that these other means of security shall be such other physical means as the words fire and burglar-proof vaults and safes import. It is a familiar rule of construction of statutes that when two or more words are grouped together and have ordinarily a similar meaning but are not equally comprehensive they will qualify each other when associated. The principle involved is expressed in the maxim *noscitur a sociis* and is applicable to the construction of all written instruments, as well as to the construction of statutes. Words or expressions used in a series, as we find them in this statute, must be construed according to the context and as limitations upon each other.

Thus, in applying this principle to the construction of section 2419, *supra*, it is clear that "other means of security" means such physical security as the other words in the series imply and could not be stretched to mean the furnishing of such security as insurance for the protection of the treasurer himself who by his contract as embodied in his bond agrees to furnish to the county the security which burglary, hold-up or forgery insurance would furnish. Moreover, it will be noted that the words "other

means of security" are followed in the statute by the words "*in the office* of the county treasurer." It is apparent that the "other means of security" which the legislature intended might be furnished by the commissioners is to be *in the office* of the treasurer which is additional evidence that the intention of the statute is that the other means of security are to be means of security similar to fire-proof and burglar-proof vaults and safes.

Specifically answering your question, I am of the opinion that "other means of security in the county treasury" as used in Section 2419, *supra*, cannot be given such construction as to authorize the county commissioners to purchase and pay for from county funds burglary or hold-up insurance or insurance against forgery for the protection of the county treasurer.

Respectfully,

EDWARD C. TURNER,
Attorney General.

556.

OHIO BOARD OF CLEMENCY—PAROLE FROM OHIO STATE REFORMATORY—LAWS APPLICABLE TO THE OHIO PENITENTIARY DISTINGUISHED.

SYLLABUS:

The Ohio Board of Clemency has authority to establish rules and regulations under which prisoners of the Ohio State Reformatory may be allowed to go upon parole in legal custody before such prisoners have served the minimum term provided by law for the felony for which they were convicted, the only limitation upon the board's power being that such prisoners must be recommended as worthy of such consideration by the superintendent and chaplain of the reformatory before such applications for parole may be considered.

Laws applicable to the Ohio Penitentiary distinguished.

COLUMBUS, OHIO, June 2, 1927.

HON. EDWARD C. STANTON, *Prosecuting Attorney, Cleveland, Ohio.*

DEAR SIR:—This will acknowledge receipt of your letter of recent date which reads as follows:

"Your opinion is requested upon the following subject:

Under the provisions of Section 2132, General Code, the Ohio Board of Administration may parole prisoners confined in the Ohio State Reformatory.

The question is whether the language in that section 'but the term of such imprisonment shall not exceed the maximum nor be less than the minimum term provided by law for such felony,' limits the right of the Board to grant a parole taken in connection with the various provisions of law fixing a minimum and maximum term of imprisonment for the various crimes."

Section 2132, General Code, about which you inquire, provides:

"Courts imposing sentences to the Ohio state reformatory shall make them general, and not fixed or limited in their duration. The term of imprisonment of prisoners shall be terminated by the Ohio board of administration, as authorized by this chapter, but the term of such imprisonment