

2000.

APPROVAL, BONDS OF VILLAGE OF UPPER ARLINGTON, FRANKLIN COUNTY, \$38,000.00, FOR STREET IMPROVEMENTS.

COLUMBUS, OHIO, November 26, 1924.

*Department of Industrial Relations, Industrial Commission of Ohio, Columbus, Ohio.*

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2001.

APPROVAL, BONDS OF ROME TOWNSHIP RURAL SCHOOL DISTRICT, ASHTABULA COUNTY, \$38,000.00, TO PROVIDE FUNDS FOR USE OF SCHOOL DISTRICT.

COLUMBUS, OHIO, November 26, 1924.

*Department of Industrial Relations, Industrial Commission of Ohio, Columbus, Ohio.*

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2002.

APPROVAL, BONDS OF CITY OF ELYRIA, LORAIN COUNTY, \$19,478.00, FOR BATH STREET PAVING BONDS.

COLUMBUS, OHIO, November 26, 1924.

*Department of Industrial Relations, Industrial Commission of Ohio, Columbus, Ohio.*

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2003.

AUTHORITY FOR BOARD OF TRUSTEES OF A LIBRARY TO MAKE EXPENDITURES OF THE LIBRARY FUND—SECTIONS 7635 AND 7640 G. C. CONSTRUED.

*SYLLABUS:*

1. *A board of trustees of a library is created by statute, and has only such powers as are provided in the statute, and such other powers as are reasonably necessary to the accomplishment of the purposes of the board.*

2. *The board of trustees of a library has no authority to pay the expenses of its librarian or other employes while in attendance on conventions.*

3. *The board of trustees of a library may pay the expenses of its secretary or other employes incurred in traveling to other cities for the purpose of purchasing books for the library, if the board in its sound discretion believes that such travel is reasonably necessary for the proper purchase of such books.*

COLUMBUS, OHIO, November 28, 1924.

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

Gentlemen:—

I acknowledge receipt of your letter of recent date, as follows:

“You are respectfully requested to furnish this department your written opinion as to the construction of sections 7635 to 7640, General Code, and amendments thereof, contained in 110 O. L. 407, as to the following matters:

*Question 1.* Is the board of trustees of a library restricted in the expenditure of the library fund to such subjects as are specifically provided for by law? In other words, does the rule laid down by the courts that the board of education is a creature of statute and has only such powers as are granted by the statutes apply to the board of trustees of a library?

*Question 2.* May the board of trustees of a library authorize its secretary or librarian or other employes to attend conventions and pay the expenses of such employes out of the library fund?

*Question 3.* May the board of trustees of a library authorize its secretary or librarian or other employes to go to distant cities for the purpose of purchasing books for the library and pay the expenses out of the library fund?”

In answer to your first question, it is my opinion that the decision of the Supreme Court of this State in the case of *State ex rel. Locher vs. Manning*, 95 O. S., 97, is applicable to boards of library trustees as well as to boards of county commissioners. Bearing in mind the differences in statutes relating to the two types of board and the differences in the character of the functions performed by them, you are advised that a board of trustees of a library is restricted in the expenditure of the library funds to such objects as are specifically authorized by statute, or as are reasonably necessary in the attainment of such objects.

In answer to your second question, it is my opinion that the decision of the Circuit Court of Ohio in the case of *State of Ohio ex rel. Marani vs. Wright*, 17 O. C. C. (N. S.) 396, states correctly the principle involved. The syllabus in this case is as follows:

“A municipality is not liable for the traveling expenses of one of its officials in attending a convention of like officials' of other municipalities.”

In this case the court says:

“We hold that in the absence of any specific statutory provision for such cases, the test of the city's liability must be deemed to be: is the trip or journey in which the expenses were incurred necessarily implied in or reasonably and directly incident to the prescribed duties of the municipal officer who undertakes such journey?

It has been pointed out in argument that a municipal officer may properly

undertake a journey at the city's expense to inspect material or supplies for the purchase of which, on behalf of the city, he is authorized to negotiate, if such journey is reasonably necessary for that purpose.

This is upon the ground that the object of the journey is directly related to the duties of his office. Here, however, the purpose of the journey was to acquire such information in regard to the duties of his office as the building inspector might reasonably acquire while in attendance upon a convention of officials holding like positions, in various cities. We are unable to see how such an object relates itself either directly or with reasonable necessity to the duty of the relator's office."

We believe the principles of this case are directly applicable to the second question submitted, and you are accordingly advised that the expenses of the secretary or librarian or other employes in attendance on conventions may not properly be paid out of the library fund.

The answer to your third question is found in the language of the court above quoted. The purpose of a library is to furnish books and reading materials for the public, and the purchase of such materials is directly and necessarily related to the duties of the librarian and the functions of the library, and if the board of trustees in the exercise of their sound discretion, deem it necessary to send the librarian or other employe to distant cities for the purchase of such books, the expense of such employe may properly be paid out of the library fund.

Respectfully,

C. C. CRABBE,  
*Attorney General.*

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2004.

APPROVAL, BONDS OF CARROLL COUNTY, \$30,000.00, FOR ROAD IMPROVEMENTS.

COLUMBUS, OHIO, November 28, 1924.

*Department of Industrial Relations, Industrial Commission of Ohio, Columbus, Ohio.*

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2005.

APPROVAL, BONDS OF NEW BOSTON VILLAGE SCHOOL DISTRICT, SCIOTO COUNTY, \$15,000.00, FOR CERTAIN SCHOOL IMPROVEMENTS.

COLUMBUS, OHIO, November 28, 1924.

*Department of Industrial Relations, Industrial Commission of Ohio, Columbus, Ohio.*