

and administration by the state library board of funds raised by public subscription or in any other manner save through appropriation by the legislature.

The question then presents itself: If not authorized, is it forbidden?

Public officers have no powers except those specifically conferred either expressly or by necessary implication, as incidental.

The legislature having provided in the appropriation bill the money necessary for the carrying on of the activities of your department, the governor having vetoed all of such items, and the legislature having failed to re-appropriate such items over the governor's veto, we have a clear declaration of legislative policy to the effect that the state library is to be operated for the ensuing eighteen months, so far as may be, without the use of public funds.

There being no authority for the board to accept private funds, I see no lawful way to escape the situation created by the governor's veto except that the officials and employees connected with the state library shall serve without compensation, depending for financial reward, if any, upon some future session of the legislature.

It is my opinion that a future session of the legislature could make an appropriation to cover the salaries and expenses of the officials and employees of the library who had served during the ensuing eighteen months without pay. However, there would be no lawful obligation upon the state to make such payment.

To hold that where the legislature fails to appropriate for a department, its activities may be carried on by private funds, would be entirely contrary to my views of the law.

To hold that the employees of one state department may accept pay for their public work from private sources is to hold that the employees of all departments may do the same, there being no law making any distinction thereon between the departments. The dangers incident to such a policy must be readily apparent.

It will be your positive obligation to discharge all of the duties placed upon you by law, notwithstanding that the governor vetoed your means of monetary recompense. Resignation or removal is the alternative. You have certain duties to discharge, and the fact that there is no money available for your salary or expenses does not alter your obligation. You could not be compelled to disburse your own funds for expenses.

I should add to this opinion that I know of no criminal statute which would be violated if the board accepted such subscriptions.

Where the immediate end sought is laudable, there is usually a desire to find some way around. However, it must be remembered that a bad precedent may be set in a good cause.

Respectfully,
EDWARD C. TURNER,
Attorney General.

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APPROVAL, NOTE OF LEWIS RURAL SCHOOL DISTRICT, BROWN COUNTY, \$1,824.00.

COLUMBUS, OHIO, June 9, 1927.

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