

Conn., appears as surety, sufficient to cover the amount of the contract.

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 act 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,
JOHN W. BRICKER,
Attorney General.

3194.

APPROVAL, BONDS OF VILLAGE OF OTTAWA HILLS, LUCAS COUNTY, OHIO, \$16,500.00

COLUMBUS, OHIO, September 11, 1934.

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

3195.

APPROVAL, BOND FOR THE FAITHFUL PERFORMANCE OF HIS DUTIES AS INVESTIGATOR, DEPARTMENT OF HIGHWAYS—WILLIAM J. SLAVIN.

COLUMBUS, OHIO, September 11, 1934.

HON. O. W. MERRELL, *Director of Highways, Columbus, Ohio.*

DEAR SIR:—You have submitted a bond in the penal sum of \$2,000, with sureties as indicated, to cover the faithful performance of the duties of the official as hereinafter listed:

William J. Slavin, Investigator, Department of Highways—New York Casualty Company.

The above listed bond is undoubtedly executed pursuant to the provisions of sections 1182-2 and 1182-3, General Code, which provide, in so far as pertinent here:

“Sec. 1182-2. The director (of highways) may appoint additional clerks and stenographers, and such other engineers, inspectors and *other employes* within the limits of the appropriation as he may deem necessary to fully carry out the provisions of this act; * * * ”

(Italics and words in parenthesis the writer's.)

"Sec. 1182-3. Each employe or appointee under the provisions of this act, * * * may be required to give bond in such sum as the director may determine. All bonds hereinbefore provided for shall be conditioned upon the faithful discharge of the duties of their respective positions, and such bonds * * * shall be approved as to the sufficiency of the sureties by the director (of highways), and as to legality and form by the attorney general. * * *" (Words in parenthesis the writer's).

Finding the above bond to have been properly executed pursuant to the above statutory provisions, I have approved the same as to form and return it herewith.

Respectfully,
JOHN W. BRICKER,
Attorney General.

3196.

CLASSIFIED PROPERTY TAX—NO PREFERENCE GRANTED TO PUBLIC LIBRARIES OVER POLITICAL SUBDIVISION IN DISTRIBUTION OF SAME—SECTION 5639, G. C. CONSTRUED.

SYLLABUS:

When at the time of the semi-annual settlement between the county treasurer and the county auditor of classified property tax proceeds, it is discovered that there is not sufficient amount of such proceeds to make a payment to the state of Ohio one fourth of one percent thereof and to public libraries, municipalities and county, fifty percent each of the amount allotted to them by the budget commission pursuant to the provisions of Section 5625-24, General Code, the provisions of Section 5639, General Code, do not authorize the payment to public libraries of 50 per cent of the amount set forth on such budget to the exclusion of the municipalities and the county; but rather requires that if such one fourth of one percent is set aside and paid to the treasurer of state, distribution to the public libraries, municipal corporations and the county, the amount of such receipts pro rata are without priority one over the other.

COLUMBUS, OHIO, September 12, 1934.

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

GENTLEMEN:—I am in receipt of your request for my opinion concerning the following facts in question:

"You are respectfully requested to furnish this department your written opinion upon the following:

Section 5639 of the General Code, as amended in 115 O. L. 592, provides for the distribution of the undivided classified property taxes raised in the counties. It is provided that distribution shall be made to each board of public library trustees in the county which shall have qualified according to the law for participation in such fund, of fifty per cent of the amount set forth in the annual budget as allowed by the Budget Commission as receipts from this source. It further provides that the amount or