

89.

APPROVAL, BONDS FOR THE FAITHFUL PERFORMANCE OF THEIR DUTIES AS RESIDENT DISTRICT DEPUTY DIRECTOR — OTHA HECATHORN—EARL W. RIBER—R. E. LEVERING.

COLUMBUS, OHIO, January 30, 1933.

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

DEAR SIR:—You have submitted three bonds, each in the penal sum of \$5000.00 with sureties as indicated, to cover the faithful performance of the duties of the officials as hereinafter listed:

Otha Hecathorn, Resident District Deputy Director, Preble County—Commercial Casualty Insurance Company of Newark, New Jersey.

Earl W. Riber, Resident District Deputy Director, Warren County—The Ohio Casualty Insurance Company of Hamilton, Ohio.

R. E. Levering, Resident District Deputy Director, Knox County—Hartford Accident and Indemnity Company of Hartford, Connecticut.

The above bonds are undoubtedly executed pursuant to the provisions of Sections 1183 and 1182-3, General Code, which state, in so far as pertinent:

Sec. 1183. “* * Such resident district deputy directors shall * * give bond in the sum of five thousand dollars. * *”

Sec. 1182-3. “* * 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, and be deposited with the secretary of state. * *” (Words in parenthesis, the writer’s.)

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

Respectfully,

JOHN W. BRICKER,
Attorney General.

90.

APPROVAL, CERTIFICATE OF INCORPORATION OF THE OHIO STATE GRANGE MUTUAL INSURANCE ASSOCIATION.

COLUMBUS, OHIO, January 31, 1933.

HON. GEORGE S. MYERS, *Secretary of State, Columbus, Ohio.*

DEAR SIR:—I acknowledge receipt of the Certificate of Incorporation of the Ohio State Grange Mutual Insurance Association and find that the same is not

inconsistent with the constitution and laws of the State of Ohio and of the United States, and I am therefore returning said Certificate to you with my approval endorsed thereon.

I notice that the name of H. T. Marshall, Notary Public, is not printed and his seal is not affixed to the certificate. However, I think this is immaterial since section 9594, General Code, does not require the certificate to be acknowledged.

Respectfully,

JOHN W. BRICKER,

Attorney General.

91.

REVENUE STAMPS—COUNTY COMMISSIONERS UNAUTHORIZED
TO LOAN MONEY TO COUNTY RECORDER TO PURCHASE
STAMPS FOR DEEDS.

SYLLABUS:

1. *The authority of a county commissioner or a board of county commissioners to act in financial transactions must be clear and distinctly granted by statute.*
2. *Where such authority is doubtful, the doubt is resolved against its exercise in all cases where a financial obligation is sought to be imposed upon the county.*
3. *There is no legal authority for the county commissioners of a county to make a loan or a deposit of a sum of money with the county recorder where such sum of money is to be used to purchase revenue stamps for deeds or other instruments of transfer of real estate.*

COLUMBUS, OHIO, January 31, 1933.

HON. LESTER S. REID, *Prosecuting Attorney, Chillicothe, Ohio.*

DEAR SIR:—Your request for an opinion of recent date reads as follows:

“Kindly render me an opinion as to whether it is within the law for the county commissioners of this court to make a loan or a deposit of one hundred dollars with the county recorder of this county for the purpose of said recorder to purchase revenue stamps for deeds which are to be sold to persons making transfers of real estate. If this is proper, kindly advise how such money may be advanced to him. The situation will be that he will always have one hundred dollars in money or stamps in his office and that as stamps are used his intentions are to replace stamps at various intervals and thus have a continual supply on hand.”

The solution of the question submitted, with respect to the power and authority of a board of county commissioners to make a loan or a deposit of a sum of money with the county recorder of a county, the same to be used to purchase revenue stamps for deeds or instruments of transfer of real estate, depends upon the construction to be placed upon the statutes granting administrative authority to such county commissioners.