

429.

APPROVAL, BONDS OF VILLAGE OF POMEROY, MEIGS COUNTY, \$6,000.00, TO FUND CERTAIN INDEBTEDNESS.

COLUMBUS, OHIO, June 11, 1923.

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

430.

APPROVAL, BONDS OF DOVER TOWNSHIP RURAL SCHOOL DISTRICT, ATHENS COUNTY, \$45,000.00, TO REPAIR AND IMPROVE SCHOOL BUILDINGS.

COLUMBUS, OHIO, June 11, 1923.

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

431.

SURETY BONDS—FREE PUBLIC LIBRARY—NO AUTHORITY TO PAY PREMIUMS ON SURETY BOND OUT OF PUBLIC FUNDS—INDIVIDUAL OBLIGATION.

SYLLABUS:

There being no general or special statutory provision which may be invoked as authority for payment out of the public funds of premiums on a surety bond given by employes of a free public library, under sections 7631 et seq., it follows that such premiums as are incurred in the giving of a bond are the individual obligation of the official giving the bond.

COLUMBUS, OHIO, June 11, 1923.

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

GENTLEMEN:—I am in receipt of your recent communication as follows:

“May the board of trustees of a school library, organized under the provisions of sections 7635 et seq., G. C., legally expend the library funds in payment of the premium on surety bonds for its librarian, vice-librarian,

library accountant, head of the supply department, library cashier and two assistant library cashiers?"

Sections 7631 to 7643, General Code, provides for the establishment of free public libraries and the management and control of same.

Section 7635 provides as follows:

"The board of education may provide for the management and control of such library by a board of trustees to be elected by it as herein provided."

An examination of the sections relating to free public libraries fails to reveal any section whereby a bond is required of any of the employes of said public library. I also fail to find any statute permitting the board of trustees to expend money for payment of premiums of a surety bond given for any of its officers or employes.

It is a well known rule of law that an administrative board may not expend money except as provided by statute, and there is no provision of the statute in regard to free public libraries which permits the expending of money for premium on surety bonds.

It was held in the case of *State ex rel. The A. Bentley & Sons Co. v. Pierce, Auditor*, 96 O. S., 44, as follows:

"In case of doubt as to the right of any administrative board to expend public moneys under a legislative grant, such doubt must be resolved in favor of the public and against the grant of power."

It was held by a former Attorney General in an opinion found in *Opinions of the Attorney General for 1919, Vol. 2, p. 1277*, as follows:

"There being no general or special statutory provision which may be invoked as authority for payment out of public funds, of premiums on a surety bond given by the state inspector of plumbing, it follows that such premiums as are incurred in the giving of the statutory bonds are the individual obligations of the official giving the bond."

The sections in relation to free public libraries do not authorize the payment of premiums on surety bonds, and it is my opinion that expenses so entailed must be regarded as the obligation of the official incurring the same, in the absence of authorization for charging it against public funds.

Respectfully,

C. C. CRABBE,

Attorney General.

432.

COMMON PLEAS JUDGE--ENTITLED TO RECEIVE EXPENSES FROM STATE TREASURY WHERE ASSIGNMENT HAS BEEN MADE BY CHIEF JUSTICE OF SUPREME COURT WHEN RESIDENT JUDGE IS DISABLED OR DISQUALIFIED--SECTION 1687 G. C. CONSTRUED.