

In analyzing the foregoing section, it will be seen that there is a condition precedent attached to the appropriation for an independent society, viz., that a similar sum be appropriated to the county society. If no sum is appropriated to the county society, then no sum may be appropriated to the independent society. There is no express provision in said section that the independent society may not expend the sum appropriated to it in the event the county society fails to use its appropriation.

From the letter addressed to you from the Board of County Commissioners P_____ County, it appears that the commissioners did make an appropriation for the county society and the same amount to the independent society. However, after the appropriation was made the county society decided not to hold a fair and to make no request for the funds appropriated to it. In the correspondence between your bureau and the said board of county commissioners there is a suggestion that the term appropriation means payment, and therefore if no payment were actually made to the county society no payment could be made to the independent society. It is believed that the term appropriation as used in the state constitution and under the statutes which provide for the setting aside of funds by the officials of the state and subdivisions thereof for specific purposes, can in no wise be construed as payment. The fact that a sum has been made available by the appropriation authorities does not mean that it will be used for the purpose.

It will be observed that the fact that no fair is held by the county society would afford no logical reason why the independent fair should not be held.

In view of the foregoing, it is my opinion that where the county commissioners have appropriated funds under Section 9894 of the General Code for both a county society and an independent society in equal amounts, and later the county society decides not to hold a fair and not to make a request for such funds, the independent society may receive the amount appropriated to it, notwithstanding the action of the county society.

Respectfully,
GILBERT BETTMAN,
Attorney General.

2161.

DISAPPROVAL, BONDS OF SALEM VILLAGE SCHOOL DISTRICT, WASHINGTON COUNTY, OHIO—\$8,000.00.

COLUMBUS, OHIO, July 25, 1930.

Re: Bonds of Salem Village School Dist., Washington County, Ohio,
\$8,000.00.

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

pursuant to resolution passed by the board of education of Salem Village School District, the question of issuing these bonds was submitted to the electors at the November, 1929, election and was favorably voted upon at that time. Pursuant to this authority, the board of education of Salem Village School District passed a resolution authorizing this issue which resolution was passed April 14, 1930. Upon this same date the bonds appear to have been offered to and rejected by the commissioners of the sinking fund of the Salem Village School District. The transcript further discloses that on April 11, 1930, the county board of education of the Wash-

GENTLEMEN :—The transcript relative to the above issue of bonds discloses that

ington-County School District created a new school district under Section 4736, General Code, composed of what was theretofore Salem Village School District, Liberty Rural School District and a part of Fearing Rural School District, the new district thus created being named the Salem-Liberty Rural School District. On April 11, 1930, the members of the board of education of this newly created district were appointed by the county board of education.

It appears from the foregoing that the Salem Village School District, as such, was abolished prior to the date the above bonds were authorized, and under these circumstances, I am of the opinion that the authorization of this issue on April 14, 1930, by a board of education which had prior to that date ceased to exist, is invalid. Even if these bonds had been authorized by the board of education of the Salem Village School District prior to abolition but not issued until subsequent to such date, a serious question as to the authority of the board of education of the Salem-Liberty Rural School District issuing such bonds might still be raised. I accordingly advise you not to purchase these bonds.

Respectfully,

GILBERT BETTMAN,

Attorney General.

2162.

APPROVAL, BONDS OF VILLAGE OF NORTH OLMSTED, CUYAHOGA COUNTY, OHIO—\$10,251.22.

COLUMBUS, OHIO, July 25, 1930.

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

2163.

DEPOSITORY—FOR RESERVE FUNDS OF MUNICIPAL SINKING FUND TRUSTEES—SURETY BONDS FOR SECURITY MUST BE TWENTY PER CENT IN EXCESS OF MAXIMUM AMOUNT DEPOSITED.

SYLLABUS:

Where a surety executes a bond under the provisions of Section 4515 of the General Code the same must be for a sum not less than twenty per cent in excess of the maximum amount at any time to be deposited by the sinking fund trustees.

COLUMBUS, OHIO, July 26, 1930.

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

GENTLEMEN:—Your recent communication reads:

“Section 4515 G. C., reads:—

‘At least once every three years the trustees of the sinking fund shall advertise for proposals for the deposit of all sums held in reserve and shall