

a one and one-half inch pipe into the level of the Miami and Erie Canal next above Lock No. 23, for a term of five years from the date named in the lease, to take from the canal at this level, water for the purpose of supplying a steam boiler to be used by said city in the operation of its waterworks.

Upon examination of this lease I find that the same has been properly executed by the Superintendent of Public Works and by the City of Delphos, by the hands of its Mayor and Director of Public Service, pursuant to the authority of an ordinance of said city.

Upon examination of the terms and provisions of this lease, and of the conditions and restrictions therein contained, I find that the same are in conformity with the statutory provisions relating to the execution of leases of this kind.

I am accordingly approving this lease as to legality and form, as is evidenced by my approval endorsed on this lease and upon the duplicate and triplicate copies thereof, all of which are herewith returned.

Respectfully,
GILBERT BETTMAN,
Attorney General.

4431.

APPROVAL, NOTES OF JOHNSVILLE-NEW LEBANON RURAL SCHOOL DISTRICT, MONTGOMERY COUNTY, OHIO—\$3,000.00.

COLUMBUS, OHIO, June 17, 1932.

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

4432.

COUNTY CENTRAL COMMITTEE—MAY NOT SELECT A NON-ELECTED MEMBER AS CHAIRMAN.

SYLLABUS:

An elected county central committee may not legally select as its chairman a person not an elected member thereof.

COLUMBUS, OHIO, June 18, 1932.

HON. FORREST E. ELY, *Prosecuting Attorney, Batavia, Ohio.*

DEAR SIR:—Your letter of recent date is as follows:

“The following question has been submitted to me by the Democratic Central Committee of Clermont County, Ohio:

‘May an elected central committee of a political party legally select as chairman of their committee a man not an elected member of the committee?’”

Section 4785-63, General Code, contains authority for the election of county central committees in the following language:

"The controlling committees of each political party or organization shall be a state central committee, consisting of two members, one a man and one a woman, from each congressional district in the state; a county central committee, consisting of one member from each election precinct in the county, or of one member from each ward in each city and from each township in the county, as the out-going committee may determine; and such district, city, township, or other committees as the rules of the party shall provide. All the members of such committees shall be members of the party and shall be elected by direct vote at the primary held in the even numbered years.

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Section 4785-64, relating to "Organization of Committees", provides as follows:

"The members-elect of each such party central committee shall meet within fifteen days following the primary election at a suitable place and time to be designated by the retiring chairman of the respective committees. Notice of such meetings, giving the place and time, shall be sent to each member-elect by the retiring secretary of the central committee by mail and a copy of the notice shall be posted in the office of the secretary of state or board of elections, as the case may be, at least five days prior to any such meeting. The meeting shall be called to order by the retiring chairman or secretary, if there be such. If there is no such officer, or if such officer is absent, then by a member of such committee designated by the secretary of state in the case of state committees; and by a member of the board of elections of the same political party, designated by the board, in the case of county committees. A temporary chairman and secretary shall be chosen and the committee shall proceed to organize by the election of a chairman, vice-chairman, treasurer, secretary and such other officers as the rules shall provide."

While the statute does not expressly provide that a county central committee shall elect a chairman from its own membership, it is pertinent to note that the legislature has provided that the committee shall "organize" by the election of a chairman. The word "organize" is defined by Webster's New International Dictionary as "to make one's self systematized or constituted into a whole or interdependent parts." I think the legislature used the word in a reflexive sense, that is to say, it is provided that the committee shall organize itself by the election of one of its members as chairman. This provision for the election of the committee's own presiding officer is declarative of a well-established rule of parliamentary law. This rule is set forth by the Supreme Court of Minnesota in the case of *State, ex rel. Childs, Attorney General vs. Kuehli*, 54 N. W. 1069, 1070, as follows:

"From the earliest history of legislative bodies it has been a rule of parliamentary law that a legislative body has the power to choose its own presiding officer from its own members."

This construction of the language of Section 4785-64 here under consideration is in accordance with the long continued administrative interpretation of the statute.

Prior to the enactment of the Election Laws of the State of Ohio by the 88th General Assembly, this language was contained in Section 4961, General Code, which provided as follows:

“Within fifteen days after their selection all such state and county central committees shall meet and organize by the election of a chairman and secretary, and shall elect an executive committee.”

Administrative interpretation of a law, when long continued, may not be disregarded and set aside unless judicial construction makes it imperative so to do. *Industrial Commission vs. Brown*, 92 O. S. 309, 311; *State, ex rel. vs. Brown*, 121 O. S. 73, 76. In the earlier case of *State, ex rel. vs. Graves*, 89 O. S. 24, involving the powers of a county central committee when no executive committee has been selected, the Supreme Court similarly followed long established administrative practice in interpreting the law pertaining to county central committees.

In view of the foregoing and in specific answer to your question, it is my opinion that an elected county central committee may not legally select as its chairman a person not an elected member thereof.

Respectfully,
GILBERT BETTMAN,
Attorney General.

4433.

APPROVAL, NOTES OF ASHLEY VILLAGE SCHOOL DISTRICT, DELAWARE COUNTY, OHIO—\$3,000.00.

COLUMBUS, OHIO, June 18, 1932.

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

4434.

EMERGENCY RELIEF FUNDS—AMENDED SENATE BILL NO. 4—HOW SUCH FUNDS MAY BE USED.

SYLLABUS:

1. *Funds collected under the provisions of section 4 of Amended Senate Bill No. 4, passed March 31, 1932, shall be allocated and paid to all the counties in the state in accordance with the method outlined in section 5 of said act regardless of whether or not said counties have issued bonds for poor relief.*

2. *Moneys so paid to said counties shall be held in trust in a special fund of the county as provided in section 6 of said act.*

3. *Money so allocated to a county which is not required for retirement of poor relief bonds may be used for the poor relief purposes as provided in sections*