

5348-12, General Code, which exception could have no application to the facts contained in your request.

Specifically answering your inquiry, it is my opinion that:

1. When a county treasurer, upon receipt of tax funds levied by the county, municipalities, board of education and other taxing authorities which have levied taxes on the property in such county or a part thereof, has deposited them along with other county funds, under authority of law, in the legally constituted county depositories which thereafter are closed by the superintendent of banks, any loss suffered by reason thereof, is the loss of subdivisions which would be entitled to share in such funds upon distribution in the proportion that the collections by the county treasurer of such taxes levied for such subdivision bear to the total sum in the county depositories.

2. When a county depository bank has been taken over by the superintendent of banks and closed to business, such bank ceases to be a depository of the county. The equitable rights of the various taxing subdivisions are fixed as of that date.

3. The county auditor in making distribution of the tax funds collected by the county treasurer, should first determine the proportion of interest of the various subdivisions in the frozen or lost moneys deposited in depository banks in the custody of the superintendent of banks for liquidation and deduct such sums respectively from the total amounts collected by the county treasurer for the benefit of such subdivision before making such distribution to it.

(4) Claims for moneys deposited in a depository bank which was in the process of liquidation prior to the receipt of current taxes, should not be considered in the determination of the distribution of current tax funds, such bank not being a county depository at the time of the receipt of such tax funds, the equitable ownership of such fund having been determined at the time such bank ceased to be a depository.

Respectfully,

JOHN W. BRICKER,
Attorney General.

1004.

APPROVAL, NOTES OF KEY RIDGE RURAL SCHOOL DISTRICT, BELMONT COUNTY, OHIO, \$1,500.00.

COLUMBUS, OHIO, June 29, 1933.

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

1005.

APPROVAL, LEASES TO RESERVOIR LAND AT INDIAN LAKE, LOGAN COUNTY, OHIO, FOR RIGHT TO USE AND OCCUPY FOR COTTAGE SITE AND DOCKLANDING PURPOSES—EDNA COOPER, J. C. WYLIE.

COLUMBUS, OHIO, June 30, 1933.

HON. EARL H. HANEFELD, *Director, Department of Agriculture, Columbus, Ohio.*

DEAR SIR:—By recent communication over the signature of the Chief of the