

Therefore, in specific answer to your questions, it is my opinion that:

1. Stock of Federal Credit Unions sold by such credit unions to their members under the provisions of the Federal Credit Union Act (Title 12, Chapter 14, U. S. Code, Annot.) is, under section 8624-3 of the General Code, exempt from the provisions of sections 8624-8, 8624-9, 8624-10, 8624-13 and 8624-14 of the General Code.

2. In selling such stock to their members, Federal Credit Unions are not required, by section 8624-17 of the General Code of Ohio, to obtain a dealer's license.

Respectfully,

JOHN W. BRICKER,
Attorney General.

4932.

MOTHER'S PENSION—PROCEEDS OF SECTION 2 BONDS OF CAREY ACT MAY NOT BE USED FOR PAYMENT OF MOTHERS' PENSIONS—SECTION 5 BONDS MAY BE USED FOR THAT PURPOSE.

SYLLABUS:

The proceeds of bonds issued under section 2 of House Bill 501 of the 91st General Assembly may not be used for the payment of mothers' pensions authorized under Section 1683-2, et seq., of the General Code, but moneys derived from the sale of bonds issued under section 5 of such act may be used for such purpose.

COLUMBUS, OHIO, November 23, 1935.

HON. HAROLD J. ROSE, *Prosecuting Attorney, Athens, Ohio.*

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

“The county commissioners of this county desire to make an appropriation from the money derived from the sale of bonds under House Bill No. 501 (Carey Act) for such unemployables as those who may be entitled to mothers' pensions, or in other words, to set aside a portion of the money derived from the sale of these bonds to the mothers' pension fund.

I would greatly appreciate an opinion from your office as to whether or not a portion of this money may be appropriated by the commissioners of Athens County to the mothers' pension fund to be administered as provided in the law creating mothers' pensions.

These bonds now being issued, of course, are to be paid from the money derived from the excise tax."

Since you state that the bonds in question are to be paid from the money derived from the excise tax, I assume your reference is to bonds issued under section 2 of that act rather than bonds issued under section 5 thereof. The payment of mothers' pensions under Sections 1683-2, et seq., General Code, is an allowance to be made in the form of cash under the circumstances therein set forth. This office recently held in Opinion No. 4884, as set forth in the syllabus:

"A board of county commissioners has no power in the administration of funds derived from the sale of bonds issued under the authority of Section 2 of House Bill 501 (116 O. L. 571), enacted at the regular session of the 91st General Assembly, to extend aid by way of 'cash relief'."

I find no authority whereby proceeds of such bonds may be used for the payment of mothers' pensions.

Your attention is directed to the fact that under section 5 of such House Bill 501, additional bonds may be issued for "poor relief". In the second paragraph of this section, it is expressly provided that for the purposes of that section "poor relief" in the case of a county includes the payment of mothers' pensions. It appears that where the legislature has seen fit to authorize the use of the proceeds of bonds issued under authority of House Bill 501 for the payment of mothers' pensions it has expressly so provided. An application, therefore, of the doctrine *expressio unius est exclusio alterius* impels a negative answer to your inquiry.

It is accordingly my opinion that the proceeds of bonds issued under section 2 of House Bill 501 of the 91st General Assembly may not be used for the payment of mothers' pensions authorized under Section 1683-2, et seq., of the General Code, but moneys derived from the sale of bonds issued under section 5 of such act may be used for such purpose.

Respectfully,

JOHN W. BRICKER,
Attorney General.