

mains in the bond retirement fund until such time as there are obligations to be met by the fund, or until some provision is made by law for its transfer to some other fund. In the present state of the law, there is no provision whereby it may be transferred from the bond retirement fund.

Second, when transfers are made by virtue of Section 5625-13, General Code, it is not necessary to make application to a court for permission to make such transfer, nor does the court have any authority to order a transfer of funds of a subdivision from one fund to another, in any case.

Respectfully,
EDWARD C. TURNER,
Attorney General.

1507.

APPROVAL, BONDS OF THE VILLAGE OF WILLOWICK, LAKE COUNTY,
OHIO—\$43,000.00.

COLUMBUS, OHIO, December 31, 1927.

Industrial Commission of Ohio, Columbus, Ohio.

1508.

DAMS—LIABILITY FOR DAMAGE CAUSED BY BREAKAGE CONSIDERED.

SYLLABUS:

Liability of one who negligently constructs or maintains a dam to respond in damages to county commissioners for injuries to and destruction of county bridges and retaining walls, caused by escape of impounded waters, considered.

COLUMBUS, OHIO, December 31, 1927.

HON. CARL Z. GARLAND, *Prosecuting Attorney, Batavia, Ohio.*

DEAR SIR:—Receipt is acknowledged of your communication of recent date requesting my opinion as follows:

“An individual dammed a creek which runs through this county for the purpose of making a private lake with the intention of forming a park on his place for the purpose of deriving revenue therefrom for himself. Last night the dam broke and the water rushed down the creek destroying one or two county bridges, which cross the creek and are a part of the property of the county. It also tore out some retaining walls erected by the county.

Please advise me whether or not the individual constructing the dam is liable to the county for the loss of the bridges and retaining walls?”