

3925.

APPROVAL, BONDS OF FRANKLIN TOWNSHIP RURAL SCHOOL DISTRICT,  
MORROW COUNTY, OHIO, \$702.90.

COLUMBUS, OHIO, February 7, 1935.

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

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3926.

APPROVAL, BONDS OF FRANKFORT VILLAGE SCHOOL DISTRICT, ROSS  
COUNTY, OHIO, \$4,592.97.

COLUMBUS, OHIO, February 7, 1935.

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

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3927.

APPROVAL, BONDS FOR THE FAITHFUL PERFORMANCE OF THEIR  
DUTIES—ELMER HILTY, DEPUTY DIRECTOR IN CHARGE OF BUREAU  
OF CONSTRUCTION; I. R. AULT, RESIDENT DIVISION DEPUTY  
DIRECTOR.

COLUMBUS, OHIO, February 8, 1935.

HON. JOHN JASTER, JR., *Director of Highways, Columbus, Ohio.*

DEAR SIR:—You have submitted two bonds, each in the penal sum of \$5,000, with surety as indicated, to cover the faithful performance of the duties of the officials as hereinafter listed:

Elmer Hilty, Deputy Director in charge of the Bureau of Construction, Department of Highways—New Amsterdam Casualty Company.

I. R. Ault, Resident Division Deputy Director in Division No. 3—Glens Falls Indemnity Company.

The above mentioned bonds are evidently executed pursuant to the provisions of sections 1181, 1182 and 1182-3, General Code. Such sections provide, so far as pertinent:

“Sec. 1181. The director (of highways) shall also appoint four deputy directors \* \* \*. One of these deputy directors shall be experienced in road construction and, acting under the direction of the first assistant director, shall have supervision of all matters pertaining to road construction and improvement on the state highway system as provided for in this act. \* \* \* The director (of highways) shall require each deputy director to give bond in the sum of five thousand dollars, conditioned for the faithful performance of his duties, with sureties to the approval of the state highway director.”

"Sec. 1182. It shall be the duty of the director to divide the state into not exceeding fifteen divisions \* \* \*. He shall appoint and assign to each of such divisions a resident division deputy director, who shall perform such duties as may be prescribed by the director \* \* \*. Each division deputy director shall give bond in the sum of five thousand dollars, conditioned for the faithful performance of his duties with sureties to the approval of the state highway director. \* \* \* "

"Sec. 1182-3. \* \* \* All bonds hereinbefore provided for shall be conditioned upon the faithful discharge of the duties of their respective positions, and such bonds \* \* \* shall be approved as to the sufficiency of the sureties by the director, and as to legality and form by the attorney general, and be deposited with the secretary of state. \* \* \* "

Finding said bonds in proper legal form in accordance with the foregoing statutory provisions, I hereby approve said bonds as to form and return them herewith.

Respectfully,

JOHN W. BRICKER,  
*Attorney General.*

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3928.

SHERIFF—COUNTY COMMISSIONERS UNAUTHORIZED TO REIMBURSE IN 1935 FOR SALARY PAID TO DEPUTY SHERIFF FROM PERSONAL FUNDS OF SHERIFF IN 1934. (O. A. G. 1933, Vol. II, P. 893 APPROVED.)

**SYLLABUS:**

*County Commissioners are not authorized to make an appropriation in 1935 for the purpose of reimbursing a sheriff for salary paid by him from his personal funds to a deputy sheriff for services rendered in 1934, when there was no appropriation therefor at the time those services were rendered. (Opinions of the Attorney General for 1933 Vol. II, page 893, Approved and followed.)*

COLUMBUS, OHIO, February 8, 1935.

HON. W. RALPH PENCE, *Prosecuting Attorney, Hillsboro, Ohio.*

DEAR SIR:—Your recent letter requesting my opinion reads as follows:

"May I respectfully request your opinion upon the following:

For the year 1934 the County Commissioners appropriated to the Sheriff's funds for deputy hire the sum of fifteen hundred fifty (\$1550.00) dollars. Said funds became exhausted during the first nine (9) months of 1934.

The Sheriff employed a special deputy during the latter half of 1934 and as shown by receipts given by said Special Deputy the Sheriff paid him out of his own personal fund for October, 1934, one hundred (\$100.00) dollars; for November, 1934 one hundred (\$100.00) dollars; for December, 1934, one hundred (\$100.00) dollars making a total of three hundred (\$300.00) dollars.

Realizing that his Deputy Fund was exhausted the Sheriff presented a claim to the County Commissioners under Section 2997 of the General Code of Ohio for three hundred (\$300.00) dollars, to pay said Special Deputy or to reimburse the Sheriff. The claim was allowed by the County Commissioners