

It follows, therefore, that any public officer may, if he so desires, take out insurance to protect himself from any personal liability which may be imposed upon him as an incident to his office so long as public funds are not expended therefor.

Your fourth inquiry is as follows:

"4. If there is no such authority, would it be possible, in the case of the State at least, for the Treasurer of State to set up an insurance fund for providing such burglary, robbery and embezzlement insurance, the cost to be divided pro rata among those institutions having securities on deposit?"

From what I have said it is clear that the Treasurer of State can not officially set up any fund of the character described. That is to say, he may not under his statutory authority set up any insurance fund which would be in any way a responsibility or liability of the state. This will not prevent him, however, from making any arrangement he sees fit with the various banks depositing securities whereby ratable contributions are made to him as their agent for the purpose of effecting the insurance in question. This arrangement would, of course, be entirely outside of his official duties and would necessarily have to be conducted by him as a private individual.

In view of the fact that the arrangement contemplated would be private in character, there would be of course no authority for the treasurer to refuse to accept the deposit of securities from a bank which would refuse to make the necessary contribution for the proposed insurance. In other words, the arrangement would necessarily be purely voluntary on the part of all parties concerned.

Respectfully,

EDWARD C. TURNER,
Attorney General.

2451.

APPROVAL, CONTRACT BETWEEN STATE OF OHIO AND THE H. H. STURTEVANT MERCHANDISE COMPANY, ZANESVILLE, OHIO, FOR CARPETING FOR AUDITORIUM, OHIO UNIVERSITY, ATHENS, OHIO, AT AN EXPENDITURE OF \$2,754.00—SURETY BOND EXECUTED BY THE NATIONAL SURETY COMPANY.

COLUMBUS, OHIO, August 17, 1928.

HON. RICHARD T. WISDA, *Superintendent of Public Works, Columbus, Ohio.*

DEAR SIR:—You have submitted for my approval a contract between the State of Ohio, acting by the Department of Public Works, for the Board of Trustees of Ohio University, and The H. H. Sturtevant Merchandise Company, of Zanesville, Ohio. This contract covers the construction and completion of Carpeting contract for Auditorium, Ohio University, Athens, Ohio, and calls for an expenditure of two thousand seven hundred and fifty-four and 60/100 dollars (\$2,754.60).

You have submitted the certificate of the Director of Finance to the effect that there are unencumbered balances legally appropriated in a sum sufficient to cover the obligations of the contract. You have also furnished evidence to the effect that the consent and approval of the controlling board to the expenditure has been obtained as required by Section 12 of House Bill No. 502 of the 87th General Assembly. In addition you have submitted a contract bond upon which the National Surety Company appears as surety, sufficient to cover the amount of the contract.

You have further submitted evidence indicating that plans were properly prepared and approved, notice to bidders was properly given, bids tabulated as required by law and the contract duly awarded. Also it appears that the laws relating to the status of surety companies and the workmen's compensation have been complied with.

Finding said contract and bond in proper legal form, I have this day noted my approval thereon and return the same herewith to you, together with all other data submitted in this connection.

Respectfully,
EDWARD C. TURNER,
Attorney General.

2452.

APPROVAL, CONTRACT BETWEEN THE STATE OF OHIO AND ENTERPRISE ELECTRIC CONSTRUCTION AND FIXTURE COMPANY, CLEVELAND, OHIO, FOR LIGHTING FIXTURES FOR AUDITORIUM, OHIO UNIVERSITY, ATHENS, OHIO, AT AN EXPENDITURE OF \$4,157.00—SURETY BOND EXECUTED BY THE EAGLE INDEMNITY COMPANY.

COLUMBUS, OHIO, August 17, 1928.

HON. RICHARD T. WISDA, *Superintendent of Public Works, Columbus, Ohio.*

DEAR SIR:—You have submitted for my approval a contract between the State of Ohio, acting by the Department of Public Works, for the Board of Trustees of Ohio University, and Enterprise Electric Construction & Fixture Company of Cleveland, Ohio. This contract covers the construction and completion of Lighting Fixture contract for Auditorium, Ohio University, Athens, Ohio, and calls for an expenditure of four thousand, one hundred and fifty seven dollars (\$4,157.00).

You have submitted the certificate of the Director of Finance to the effect that there are unencumbered balances legally appropriated in a sum sufficient to cover the obligations of the contract. You have also furnished evidence to the effect that the consent and approval of the Controlling Board to the expenditure has been obtained as required by Section 12 of House Bill No. 502 of the 87th General Assembly. In addition you have submitted a contract bond upon which the Eagle Indemnity Company appears as surety, sufficient to cover the amount of the contract.

You have further submitted evidence indicating that plans were properly prepared and approved, notice to bidders was properly given, bids tabulated as required by law and the contract duly awarded. Also it appears that the laws relating to the status of surety companies and the workmen's compensation have been complied with.

Finding said contract and bond in proper legal form, I have this day noted my approval thereon and return the same herewith to you, together with all other data submitted in this connection.

Respectfully,
EDWARD C. TURNER,
Attorney General.