

988.

APPROVAL, BONDS OF SOUTHLINGTON TOWNSHIP RURAL SCHOOL DISTRICT, TRUMBULL COUNTY, OHIO—\$50,000.00.

COLUMBUS, OHIO, September 12, 1927.

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

989.

DUPLICATE WARRANT—COUNTY AUDITOR IS WITHOUT AUTHORITY TO REQUIRE BOND OF INDEMNITY AS A CONDITION PRECEDENT TO ISSUANCE OF DUPLICATE WARRANT.

SYLLABUS:

Inasmuch as the state is not bound by the terms of a general statute unless it be so expressly enacted, a county auditor is without authority to require a bond of indemnity as contemplated in Section 2293-32, General Code, from the Bureau of Motor Vehicles as a condition precedent to the issuance of a duplicate warrant to replace one that has been misplaced, destroyed or lost.

COLUMBUS, OHIO, September 12, 1927.

HON. OSCAR A. HUNSICKER, *Prosecuting Attorney, Akron, Ohio.*

DEAR SIR:—This will acknowledge receipt of your letter of recent date which reads as follows :

“We respectfully request from your office an opinion as to the law governing the following situation.

Under date of June 4th, 1927, the auditor of Summit County, Ohio, issued his warrant in the amount of \$33,351.53, payable to Chalmers R. Wilson, Commissioner of Motor Vehicles, covering the state's share of certain auto license receipts. On June 30th a representative of Mr. Wilson's office advised the auditor in a personal interview that the warrant had been returned to the Summit County auditor by mail shortly after the same had been received at Columbus. The auditor was formally advised of this fact by a letter at a later date. Search was made for the warrant by the auditor of this county and he has been unable to locate the same, nor has anybody in his office seen it since it was mailed to Columbus.

The Commissioner of Motor Vehicles is requesting the auditor to issue him a duplicate warrant. The treasurer of Summit County has been notified to stop payment on this warrant and to date the same has not been presented for payment although on the face of the warrant in plain type is printed 'this warrant must be cashed within thirty days.'