

will constitute the duly elected and qualified board of education for such district, and that the old board should retire and turn over the books and other properties belonging to the district to the newly elected board of education.

Respectfully,
EDWARD C. TURNER,
Attorney General.

1771.

APPROVAL, BONDS OF HARRISON TOWNSHIP RURAL SCHOOL DISTRICT, PREBLE COUNTY—\$51,500.00.

COLUMBUS, OHIO, February 27, 1928.

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

1772.

APPROVAL, BONDS OF LEWISBURG VILLAGE SCHOOL DISTRICT, PREBLE COUNTY, OHIO—\$38,600.00.

COLUMBUS, OHIO, February 27, 1928.

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

1773.

COUNTY COMMISSIONERS—WHEN THEY MAY EMPLOY ATTORNEY TO FILE SUIT ON BOND OF DEFAULTING TREASURER—SECTION 2695, GENERAL CODE, AS TO PENALTY DISCUSSED—DUTY OF STATE AUDITOR.

SYLLABUS:

1. *The board of county commissioners of the county is not authorized to employ attorneys other than the prosecuting attorney of the county for the purpose of filing suit on the bond of the defaulting county treasurer, unless the employment of such attorneys is authorized by the common pleas court upon application for such authority made by the board of county commissioners and the prosecuting attorney in the manner provided by Section 2412, General Code.*