

fill the vacancy thus created by the appointment of some other person who will give the required official bond and who will otherwise qualify as clerk pro tempore of said Court of Common Pleas.

The failure of said T. L. M. to qualify for the term of office for which he was elected in 1926, and which, as above noted, commenced on the first Monday in August of 1927, renders your second question immaterial, for the reason that a vacancy already existed in the office at the time the adjudication of said T. L. M.'s insanity was made. By way of answer to this question, however, I am inclined to the view that inasmuch as the rights of said T. L. M., as an elected officer, to the emoluments of the office to which he was elected attached to the office itself, and such right was not conditional on the performance of the duties of the office by said T. L. M., who, under the provisions of Section 2871, General Code, was authorized to appoint one or more deputies who could perform all of the duties of such office (Section 9, General Code), the temporary insanity of said T. L. M. mentioned in your communication would not have had the effect of creating a vacancy in said office if such vacancy had not otherwise existed.

Your third question has been sufficiently answered by what has been said above, but answering the same more specifically I am of the opinion that if Mrs. M. was legally appointed to the office of clerk pro tempore of said court and if she qualified as such officer, the return of T. L. M. and the assumption by him of the duties of said office did not terminate the right of Mrs. M. to the office to which she was appointed.

I do not see how any question can arise with respect to the tenure of E. M. N. in her position as deputy clerk of said court. Wholly aside from the question of the effect of her appointment to said position by T. L. M., prior to the term and qualification of P. M. as clerk pro tempore, it appears that said E. M. N. was again appointed deputy clerk by P. M. and her appointment entered of record. Under this state of facts, said E. M. N. obviously has a right to hold her position as deputy clerk until she is dismissed or someone else appointed to said position in her place, or until the term of her superior has expired.

Respectfully,

EDWARD C. TURNER,  
*Attorney General.*

2805.

DEED OF RELINQUISHMENT—CITY OF CINCINNATI—MIAMI &  
ERIE CANAL LANDS—APPROVED.

COLUMBUS, OHIO, October 29, 1928.

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

DEAR SIR:—This will acknowledge receipt of your letter of October 26, 1928, as follows:

"Herewith I am transmitting the deed which has been tendered by the City of Cincinnati to the State of Ohio, relinquishing to the State certain Miami and Erie Canal lands that were included in three separate leases conveying to the City of Cincinnati certain Miami and Erie Canal lands for boulevard and subway purposes.

The tracts that are intended to be relinquished to the State by the deed herewith enclosed, are for the surplus abandoned Miami and Erie Canal lands

that were not required for subway or boulevard purposes, either by the City of Cincinnati, or by the Board of Rapid Transit Commissioners of said city.

By the terms of Section 8 of Amended Senate Bill No. 123, as passed by the 87th General Assembly of Ohio on the 20th day of April, 1927 (See O. L. 112, p. 212), the Attorney General is required to approve the deed after it has been duly executed by the mayor and city manager of said City of Cincinnati.

The form of deed used is the form tentatively approved by you a couple of weeks ago.

Kindly examine the deed and if you find the same in due form and properly executed, kindly approve the same and return the deed to this department with as little delay as possible."

The deed of relinquishment as presented is in accordance with the form already approved by me in Opinion No. 2687, dated October 8, 1928, and addressed to you. It has now been executed on behalf of the city of Cincinnati by Murray Seasongood, Mayor, and Clarence O. Sherrill, City Manager, and I am of the opinion that such deed is in due form and properly executed. Accordingly, pursuant to the authority contained in Section 8 of Amended Senate Bill 123 (112 O. L. p. 212), I have noted my approval on such deed of relinquishment and am returning it herewith.

Respectfully,

EDWARD C. TURNER,  
*Attorney General.*

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2806.

APPROVAL, BONDS OF FRANKLIN COUNTY—\$68,698.00.

COLUMBUS, OHIO, October 30, 1928.

*The Industrial Commission of Ohio, Columbus, Ohio.*

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2807.

APPROVAL, BONDS OF THE CITY OF ALLIANCE, STARK COUNTY—  
\$30,500.00.

COLUMBUS, OHIO, October 30, 1928.

*The Industrial Commission of Ohio, Columbus, Ohio.*