

compromised either before or after the filing of civil actions, by any board or officer or by order of any court unless the attorney general shall first give his written approval thereof."

From the facts presented I feel that it would be for the best interests of the state and the subdivisions thereof interested in this matter to accept the proposition of settlement made by the administrator. By virtue of such a settlement practically all of the assets remaining in the hands of the administrator will be applied toward the payment of the shortages, the only portion going elsewhere being fourteen per cent upon approximately \$700.00. While some question might properly be raised as to the state's right to claim priority over general creditors, the amount involved in this instance is so small as to make such a contention not worth while.

At the same time I desire to call your attention to what I have heretofore stated, namely, that no collection has yet been effected upon the bond of the officer. Any settlement which is entered into should be so made as to preserve the right to recover in full upon the bond in question, and the prosecuting attorney is required by Section 286 of the Code to prosecute this claim and effect recovery.

You are accordingly advised that I approve of a settlement with the administrator of the estate of the officer in question on the basis of fourteen per cent of the claim upon the finding in question, provided, however, that the acceptance of this offer is done in such a way as to preserve all existing rights upon the bond of the officer.

Respectfully,

EDWARD C. TURNER,
Attorney General.

1825.

APPROVAL, BONDS OF MONROE COUNTY, OHIO—\$18,000.00.

COLUMBUS, OHIO, March 7, 1928.

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

1826.

COUNTY COMMISSIONERS—AUTHORITY TO BIND THEIR SUCCESSORS DISCUSSED—ROAD CONTRACTS DISCUSSED—AUTHORITY OF TOWNSHIP TRUSTEES TO BIND SUCCESSORS.

SYLLABUS:

A board of county commissioners cannot, by entering into a contract with one or more boards of township trustees providing for the improvement of the roads in the county system of highways by widening, grading and graveling or stoning the same,