

(L. R. A. 1916a, p. 1276); *Everman vs. Hyman*, 26 Ind. App., 165; 84 Am. St. Rep., 284, *Russell vs. Stewart*, 44 Vt., 170.

The following cases express the opposite view:

*Smith vs. Vernon Co.* 188 Mo. 501, (70 L. R. A. 59); *Hoggard vs. Dickerson*, 180 Mo. App. 70, (165 S. W., page 1135); *Broadnax vs. Ledbetter*, 100 Tex. 375 (9 L. R. A. N. S. 1057); *Sheldon vs. George*, 116 N. Y. Sup. 969.

In any event since you state that the parties claiming the reward "knew of the increase," it is probable that they could establish the fact that they did have such knowledge, and it is unnecessary specifically to determine this question, unless it should be developed that the claimants, did not in fact have knowledge of the increase.

I desire to point out to you, however, that before the board could lawfully pay the reward, there are two important factors it should determine as facts, viz., (1) that the efforts of the persons you mention, one or both, led to the detection, apprehension and conviction of the murderer of Bengé, and (2) that they are not public officers whose duties, as such, were to apprehend the guilty parties.

I call attention to the law on the subject as expressed by Judge Wood, in the case of *Gilmore vs. Lewis*, 12 Ohio, p. 281, wherein, at page 286, among other things, he said:

"No doubt is entertained by us, as a general rule, that the detection, arrest and conviction of a felon, or the discovery and seizure, or return, of stolen property, is a good consideration to sustain a promise made on such condition. When the condition is complied with, he who performs it becomes the promisee; the contract is then complete and executed on his part; the legal interest is vested in him and he has the right to claim the reward, as the benefit of his exertion, \* \* \* and an offered reward is, frequently, the only hope of remuneration for the meritorious service rendered to the commonwealth."

Judge Wood, in the case *supra*, points out that public officers, upon whom the law casts its duty, from whom it requires exertion and to whom it affords adequate compensation, occupy a different ground and cannot lawfully claim the reward. This was also held in *Banks vs. Edmond*, 76 O. S., 396, and *Brown vs. Commissioners 2*, O. C. C. (N. S.) 381.

Answering your question specifically, I am of the opinion that the mere fact that the resolution had not been advertised by the sheriff at the time the parties claiming the reward either apprehended or by their efforts and information caused the apprehension and conviction of the guilty parties, would not relieve the board of the obligation to pay the one thousand dollars reward.

Respectfully,  
EDWARD C. TURNER,  
*Attorney General.*

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APPROVAL, BONDS OF VILLAGE OF DEGRAFF, LOGAN COUNTY,  
OHIO—\$6,000.00.

COLUMBUS, OHIO, March 22, 1927.

*Department of Industrial Relations, Industrial Commission of Ohio, Columbus, Ohio.*