

has expired or the appointee has been dismissed for cause it is still a valid and binding contract upon both parties thereto, and should be carried out.

In Opinion No. 3181, where questions relating to the transition of a village school district to a city school district by reason of a change in population were under discussion, it was stated: "The territory composing the new district remains the same as that of the former district. Contracts of the former district must be carried out and its obligations met as these could not lawfully be impaired or abrogated, and the old board is continued to administer the affairs of the district in the interim until a new board is elected."

The principles involved in the determination that a contract with a superintendent of schools in an exempted village school district, which becomes a city school district by reason of a change in population, is binding upon the school district until the contract expires, unless it be dissolved or the superintendent dismissed for cause, are applicable, by analogy, to a contract had with a superintendent which was made by authority of former section 4740, General Code, before it was repealed. It was held in a former opinion, which may be found in the reported Opinions of the Attorney General for 1929, at page 1045, that:

"A contract of employment made with a district superintendent of schools, by authority of Section 4740, General Code, prior to the effective date of the repeal of said Section 4740, General Code, is a valid and binding contract, and should be performed according to its tenor."

Village school districts which are automatically advanced to city school districts by reason of a change of population as shown by the fourteenth decennial census, became city school districts on December 31, 1930, and I am of the opinion that when, prior to that time, there had functioned in the district an employe who had formerly been employed as a district superintendent of schools by authority of Section 4740, General Code, prior to the effective date of the repeal of said Section 4740, General Code, and his contract of employment had not expired upon said date, he continues as an employe of the board in the capacity of superintendent and possesses the power and is charged with the duties of a city superintendent of schools until the expiration of his contract of hire, unless the contract be sooner dissolved or he be dismissed for cause.

Respectfully,  
GILBERT BETTMAN,  
*Attorney General.*

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3357.

SOLDIER'S DISCHARGE—DUTY OF COUNTY RECORDER TO CHARGE FEE FOR FURNISHING CERTIFIED COPY—EXCEPTION NOTED.

**SYLLABUS:**

*A county recorder must charge for a certified copy of a soldier's discharge, excepting only when an applicant or any person on his behalf, or any representative of the United States Veterans' Bureau requests the certified copy for use in determining the eligibility of the applicant to participate in moneys payable by the United States through said United States Veterans' Bureau, in which case the certified copy must be furnished free of charge.*

COLUMBUS, OHIO, June 24, 1931.

HON. GWYNN SANDERS, *Prosecuting Attorney, Marysville, Ohio.*

DEAR SIR:—This is to acknowledge receipt of your recent communication requesting my opinion on the following question:

“Should the Recorder of a county charge for a certified copy of a soldier’s discharge?”

Almost the identical question presented by you was before the Attorney General for consideration in 1919. See Opinions of the Attorney General for 1919, Volume 2, page 1438. The question there passed upon was:

“Should the county recorder charge a soldier for a certified copy of his discharge, and if so, what should the charge or fee be?”

The first part of the question was answered in the affirmative, as disclosed by the following language of the opinion:

“Under sections 2770 and 2779 the recorded discharge of a soldier becomes a record in the recorder’s office.

Section 2772 requires the recorder on demand and tender of the ‘fee therefor’ to furnish a certified copy ‘of any record in his office.’”

The sections of the Code mentioned in the above opinion have not been changed since its rendition, and it follows that said ruling is dispositive of your question unless there has been later legislation which would modify it.

Touching this matter of later legislation, there was passed by the Legislature in 1929, an act entitled:

#### “AN ACT

Concerning the guardianship of incompetent veterans and of minor children of disabled or deceased veterans, and the commitment of veterans and to make uniform the law with reference thereto.”

See 113 O. L., 774-778, codified as Sections 11037-1 to 11037-20, General Code. Section 14 of this act (General Code, 11037-14,) provides as follows:

“Whenever a copy of any public record is required by the bureau to be used in determining the eligibility of any person to participate in benefits made available by such bureau, the official charged with the custody of such public record shall without charge provide the applicant for such benefits or any person acting on his behalf or the representative of such bureau with a certified copy of such record.”

Section 1 of the act (General Code, 11037-1) defines the words “bureau” and “benefits”, which are used in Section 14, supra, as follows:

“The term ‘bureau’ means the United States veterans’ bureau or its successor.

\* \* \* \* \*

The term ‘benefits’ shall mean all moneys payable by the United States through the bureau.”

From the above sections of the Code, it will be noted that whenever the

United States Veterans' Bureau or its successor requires a public record for use in deciding the eligibility of any person to participate in moneys payable by the United States through said Veterans' Bureau, any officer charged with the custody of such public record must furnish a certified copy of same without charge to the applicant for the moneys or to any person acting for him or to a representative of the Veterans' Bureau.

This office had occasion to construe Section 11037-14, General Code, *supra*, in Opinion 2387, rendered September 29, 1930, and appearing in Opinions of the Attorney General for 1930, Volume 2, page 1516. The syllabus of that opinion held:

"Section 11037-14 of the General Code not only applies to veterans or their minor children for whom application is made for the appointment of a guardian but applies to all veterans who are entitled to participate in any moneys payable by the United States made available by the United States Veterans' Bureau when such bureau requires a public record of the veterans to be used in determining the eligibility of such persons to participate in benefits made available by the United States Veterans' Bureau."

It may be noted from the above opinion that Section 11037-14, General Code, applies to all World War veterans, regardless of whether guardians have been appointed for them or not. For your attention and consideration, I am enclosing a copy of the above opinion.

It is thus apparent that when the provisions of Section 11037-14, General Code, are construed with Sections 2770, 2772 and 2779, General Code, the county recorder may not charge for a certified copy of a soldier's discharge whenever such discharge is requested by a World War soldier applicant or by any person on his behalf, or by a representative of the United States Veterans' Bureau, to be used by said United States Veterans' Bureau for the determination of the eligibility of a soldier to participate in moneys payable by the United States through such Bureau. At all other times the county recorder must charge a fee for a certified copy of a soldier's discharge.

Respectfully,

GILBERT BETTMAN,  
*Attorney General.*

3358.

APPROVAL, BONDS OF CITY OF PORTSMOUTH, SCIOTO COUNTY,  
OHIO—\$100,000.00.

COLUMBUS, OHIO, June 25, 1931.

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

3359.

TRANSFER OF SCHOOL TERRITORY—BY COUNTY BOARD OF  
EDUCATION—REMONSTRANCE FILED—LENGTH OF TIME DUR-  
ING WHICH SIGNERS MAY LEGALLY WITHDRAW NAMES.

SYLLABUS:

*Under Section 4692, General Code, signers to a remonstrance against the action*