

can exercise only such powers as are expressly given. It has frequently been judicially determined in this state that funds may not be drawn from a public treasury, except in pursuance of express provisions of law. The Constitution of Ohio, article X, section 5, provides:

“No money shall be drawn from any county or township treasury, except by authority of law.”

As stated in Opinions of the Attorney General for 1927, Vol IV, page 2708:

“A person furnishing supplies and labor to a county in the absence of a valid contract therefor is a mere volunteer and neither he nor those employed by him can recover for property or labor so furnished or the reasonable value thereof on quantum meruit.”

I am therefore of the opinion, in specific answer to your question, that the cost of erecting a partition fence located within the limits of an incorporated village may not be assessed against the land owners, nor is it payable by the township trustees.

Respectfully,
JOHN W. BRICKER,
Attorney General.

442.

APPROVAL, BOND FOR THE FAITHFUL PERFORMANCE OF HIS DUTIES AS RESIDENT DISTRICT DEPUTY DIRECTOR IN ASHTABULA COUNTY, OHIO—E. N. LUCE.

COLUMBUS, OHIO, April 5, 1933.

HON. O. W. MERRELL, *Director of Highways, Columbus, Ohio.*

DEAR SIR:—You have submitted a bond in the penal sum of \$5,000.00, upon which E. N. Luce appears as principal. The name of the United States Fidelity and Guaranty Company appears as surety on said bond. Such bond is conditioned to cover the faithful performance of Mr. Luce's duties as Resident District Deputy Director in Ashtabula County.

The aforementioned bond is executed, undoubtedly, in accordance with the provisions of sections 1183 and 1182-3, General Code. Said sections provide, so far as pertinent:

Sec. 1183. “* * * Such resident district deputy directors shall * * * give bond in the sum of five thousand dollars * * *.”

Sec. 1182-3. “* * * All bonds hereinbefore provided for shall be conditioned upon the faithful discharge of the duties of their (employees or appointees) respective positions, and such bonds * * * shall be approved as to the sufficiency of the sureties by the director (of highways), and as to legality and form by the attorney general, and be deposited with the secretary of state. * * * ”

With the exception of the fact that the name "E. N. Luce" should be inserted in the first line of the bond between the words "That we" and "United States Fidelity and Guaranty Company of Baltimore, Maryland," the bond appears to be in proper legal form conformably to the above quoted statutory provisions.

Consequently, I hereby approve said bond as to legal form, subject to the making of the above mentioned insertion, and am endorsing my approval on said bond and returning it to you herewith.

Respectfully,
 JOHN W. BRICKER,
Attorney General.

443.

APPROVAL, NOTES OF PENN RURAL SCHOOL DISTRICT, MORGAN COUNTY, OHIO—\$7,519.00.

COLUMBUS, OHIO, April 5, 1933.

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

444.

APPROVAL, NOTES OF NEW ATHENS VILLAGE SCHOOL DISTRICT, HARRISON COUNTY, OHIO—\$3,773.00.

COLUMBUS, OHIO, April 5, 1933.

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

445.

APPROVAL, NOTES OF MADISON RURAL SCHOOL DISTRICT, VINTON COUNTY, OHIO—\$1,683.00.

COLUMBUS, OHIO, April 5, 1933.

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

446.

APPROVAL, NOTES OF LEE RURAL SCHOOL DISTRICT, MONROE COUNTY, OHIO—\$5,532.00.

COLUMBUS, OHIO, April 5, 1933.

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