

sion of section 1182, General Code, and the general provision of section 1182-3, General Code, supra. I am therefore not approving said bonds.

All of the above listed bonds are being returned herewith.

Respectfully,

JOHN W. BRICKER,

Attorney General.

3993.

APPROVAL, BONDS FOR FAITHFUL PERFORMANCE OF THEIR DUTIES—
DOROTHY HOGAN, ASST. CASHIER, AND FAY H. SPARGUR, CHIEF
CHAUFFEUR EXAMINER, BUREAU OF MOTOR VEHICLES; FRED L.
BIECHELE, RESIDENT DIVISION DEPUTY DIRECTOR, DEPT. OF HIGH-
WAYS.

COLUMBUS, OHIO, March 4, 1935.

HON. JOHN JASTER, JR., *Director of Highways, Columbus, Ohio.*

DEAR SIR:—You have submitted three bonds, in the penal sums of \$25,000.00, \$10,000.00 and \$5,000.00 respectively, with sureties as indicated, to cover the faithful performance of the duties of the officials as hereinafter listed:

Dorothy Hogan, Assistant Cashier of the Bureau of Motor Vehicles—Glens Falls Indemnity Company, Glens Falls, New York.

Fay H. Spargur, Chief Chauffeur Examiner of the Bureau of Motor Vehicles—Glens Falls Indemnity Company, Glens Falls, New York.

Fred L. Biechele, Resident Division Deputy Director for Department of Highways in Division No. 11—Great American Indemnity Company.

The first two bonds are evidently executed pursuant to the provisions of section 6290-1, General Code, which provides, in so far as pertinent:

Sec. 6290-1. “* * * The Registrar (of the Bureau of Motor Vehicles) may, with the approval of the Director of Highways, appoint such number of assistants, deputies, clerks, stenographers and other employes as he may deem necessary to carry out the provisions of this act. * * * When in the opinion of the Director of Highways, it is deemed advisable, any deputy or other employe may be required to give bond in such amount and with such security as he may approve. * * *.”

Finding such bonds to be in proper legal form in accordance with the foregoing statutory provision, I hereby approve said bonds as to legality and form and return them to you herewith.

The third of the above mentioned bonds is evidently executed pursuant to the provisions of section 1182 and 1182-3, General Code. Such sections provide, in so far as pertinent:

Sec. 1182. “Each Division Deputy Director shall give bond in the sum of five thousand dollars, conditioned for the faithful performance of his duties

with sureties to the approval of the State Highway Director. * * *."

Sec. 1182-3. " * * * All bonds hereinbefore provided for * * shall be approved as to the sufficiency of the sureties by the Director, and as to legality and form by the Attorney General * * *."

Finding such bond in proper legal form in accordance with such sections, I hereby approve it as to legality and form and return it herewith.

Respectfully,

JOHN W. BRICKER,
Attorney General.

3994.

BOARD OF EDUCATION—MAY MODIFY CONTRACT WITH DRIVER OF
BUS FOR TRANSPORTATION OF PUPILS WHEN.

SYLLABUS:

Where a board of education enters into a contract with the driver of a school bus to drive that bus over a certain designated route for the transportation of school children, at a specified salary, and it later becomes necessary, in order to transport children who do not reside upon the original route provided for, to increase the mileage to be covered as provided for in the original contract, the board of education may lawfully modify the said contract and pay to the said driver an additional sum in consideration of the additional services to be rendered in the carrying out of said contract as so modified.

COLUMBUS, OHIO, March 4, 1935.

HON. GEORGE N. GRAHAM, *Prosecuting Attorney, Canton, Ohio.*

DEAR SIR:—This will acknowledge receipt of your request for my opinion, which reads as follows:

"Can a board of education increase the salary of a person operating a school bus, after the contract has been entered into?"

The situation is this: An individual secured a contract for driving a school bus over a certain route. Later, the board of education changed the route, increasing the mileage, and also passed a resolution increasing the salary.

We would like to know whether this salary increase is legal."

The precise question involved in your inquiry has been passed upon by this office in two former opinions. In an opinion of the Attorney General which will be found in the reported Opinions of the Attorney General for 1930, page 1716, it was held as stated in the third branch of the syllabus:

"A board of education, after making a contract for the transportation of school pupils may later lawfully modify or change the contract, if changed conditions make such action necessary."

In support of this holding there is cited Donnelly on Public Contracts, Section 164, where it is stated: