

part of said abstract an additional certificate in which, after stating that said abstract is a correct abstract of title of said lands shown by the records of Adams County, Ohio, he says:

"I was not certifying or passing on the title to said land, and did not think it my duty to point out the defects in the suit in the Common Pleas Court wherein said land in Caption was sold to G. F. Thomas, Trustee in Trust for the Bank of Peebles, Peebles, Ohio.

"Since the receipt of the said opinion, I have again examined the proceedings in said case and have also examined all the papers in file in said case, and in no place in said proceedings, is it shown that the defendants other than Dwight Best, Maurice Best, G. F. Thomas and the Bank of Peebles, either waived service of summons or were served with same.

"In the only summons issued, the sheriff is only ordered to notify Maurice Best and Dwight Best, minors under the age of fourteen years, and G. F. Thomas, Trustee in Trust for the Bank of Peebles, and The Bank of Peebles, Peebles, Ohio, and the praecipe for said summons only asks that said last named defendants be served with summons."

It is apparent that there is nothing in the additional certificate of the abstracter which corrects the defect in said court proceedings pointed out in the former opinion of this department. On the contrary, the statements made by the abstracter in this certificate confirms the fact that no service of summons was made upon the above mentioned individuals, the next of kin and heirs-at-law of A. J. Best, deceased, and that their appearance was not otherwise entered in said action.

In this situation there is nothing for me to do but to disapprove the title of G. F. Thomas, trustee in trust for the Bank of Peebles, in and to these land, and to advise you not to purchase the same unless proceedings are taken by the said G. F. Thomas, Trustee, to clear his title to these lands as against the objections referred to in this opinion and in the former opinion of this department above mentioned.

I am herewith returning to you said Abstract of Title, Warranty Deed, Encumbrance Estimate, and Controlling Board Certificate.

Respectfully,
GILBERT BETTMAN,
Attorney General.

80.

APPROVAL, BONDS FOR THE FAITHFUL PERFORMANCE OF HIS
DUTIES AS TREASURER OF STATE—H. ROSS AKE.

COLUMBUS, OHIO, February 9, 1929.

HON. CLARENCE J. BROWN, *Secretary of State, Columbus, Ohio.*

DEAR SIR:—You have submitted three bonds executed by H. Ross Ake, Treasurer of State, for my approval.

One of said bonds is for the sum of \$600,000, conditioned for the faithful discharge of the duties of H. Ross Ake, as Treasurer of the State of Ohio, for "the unexpired term of Bert B. Buckley and until his successor is elected and qualified," and given under the provisions of Section 297 of the General Code of Ohio, upon which The Detroit Fidelity and Surety Company appears as surety.

Another of said bonds is for the sum of \$100,000, given for the purpose of securing the funds in the hands of the Treasurer of State for the unexpired term of Bert Buckley, as ex-officio custodian of the funds of the Industrial Commission of Ohio and executed in pursuance of the provisions of Section 1465-56a, of the General Code, which said section requires the approval of the Governor as to amount and surety. The Southern Surety Company has signed as surety upon this bond and the same has been approved by the Governor.

The third bond which you have submitted is for the sum of \$100,000 and given for the purpose of securing the deposit held by the Treasurer of State in his capacity of custodian of the Teachers Retirement Fund, for the unexpired term of Bert B. Buckley. This bond is executed in pursuance to the provisions of Section 7896-13 of the General Code, which said section requires the approval of the Governor as to amount and surety. The Southern Surety Company has signed as surety and the Governor's approval appears thereon.

In view of the fact that the bonds have been properly executed and approved by the Governor, I hereby approve them as to form. Said bonds are being returned herewith and should be filed in your office.

Respectfully,
GILBERT BETTMAN,
Attorney General.

81.

BOARD OF TRUSTEES OF OHIO STATE UNIVERSITY—NO POWER TO GRANT EASEMENT ACROSS LANDS OF INSTITUTION FOR CITY SEWER CONSTRUCTION—ACT OF GENERAL ASSEMBLY NECESSARY.

SYLLABUS:

Without legislative authority for that purpose, the board of trustees of the Ohio State University has no power or authority to grant to the city of Columbus an easement in and across the lands of said institution for the purpose of a sewer to be constructed and maintained therein by said city.

COLUMBUS, OHIO, February 9, 1929.

HON. CARL E. STEEB, *Secretary Board of Trustees, Ohio State University, Columbus, Ohio.*

DEAR SIR:—This is to acknowledge receipt of your communication of recent date, which reads as follows:

“The city of Columbus is about to enter upon a comprehensive plan of sewer construction. This plan calls for a large intercepting sewer to be constructed through the western portion of the University grounds.

The city attorney has prepared and just placed in my hands a proposed bill for presentation to the General Assembly granting the Board of Trustees authority to grant an easement to the city of Columbus for the construction of this sewer.

The question I should like to raise is this: do the present powers of the Board of Trustees permit the granting of permission to the city of Columbus to construct a sewer through the grounds, or is authority from the Legislature