

after the conditions of the mortgage have been broken, could obtain certified copies of former bills of sale even though such bills of sale were not stolen, lost or destroyed. I am inclined to agree with this view. The provisions of Section 6310-13a are merely directory and do not limit the clerk to cases where the owner can make an affidavit that the former bills of sale were lost, stolen or destroyed. Any person who is the owner of an automobile is entitled to copies of bills of sale to complete evidence of his chain of title and if, for any good and sufficient reason, he cannot obtain them, the clerk of courts is authorized to make certified copies upon the filing of an affidavit by the owner setting forth the facts showing the reasons for requesting such certified copies and it is within the discretion of the clerk to make certified copies if he is satisfied that the person is the owner of the automobile and has good reason for applying for certified copies.

In specific answer to your inquiries, I am of the opinion that:

1. A mortgagee, that repossesses a motor vehicle after the conditions of the mortgage have been broken and does not have copies of all former bills of sale, cannot lawfully give a bill of sale to a subsequent purchaser setting forth the special facts with reference to the manner of obtaining title to such automobile, but must execute a bill of sale therefor in the same way that any other association or person is required to do, that is by delivering to the purchaser a properly verified bill of sale, together with all bills of sale or certified copies thereof, back to and including the original bill of sale or back to and including the sworn statement.

2. The clerk of courts may make certified copies of bills of sale for a mortgagee who has repossessed an automobile after the conditions of the mortgage have been broken, when such mortgagee files an affidavit setting forth such facts and the further fact that he is unable to obtain copies of the bills of sale from the mortgagor.

Respectfully,

GILBERT BETTMAN,  
*Attorney General.*

1481.

APPROVAL, ABSTRACT OF TITLE TO LAND OF FREE METHODIST  
CHURCH OF NORTH AMERICA IN WORTHINGTON TOWNSHIP,  
RICHLAND COUNTY, OHIO.

COLUMBUS, OHIO, February 1, 1930.

HON. ROBERT N. WAID, *Director of Highways, Columbus, Ohio.*

DEAR SIR:—This is to acknowledge receipt of your communication of recent date submitting for my examination and approval abstract of title, warranty deed, encumbrance estimate No. 6297, controlling board certificate and other files relating to the proposed purchase by the State of Ohio of a tract of land in Worthington Township, Richland County, Ohio, which is owned of record by the trustees of the Free Methodist Church of North America, and which is more particularly described as being a part of the southwest quarter of Section 13, township 21 of range 17, and described as follows: Beginning for the same at the southeast corner of said quarter; thence west with the south boundary line of said quarter 16 rods; thence north 5 rods; thence east 16 rods; thence south 5 rods to the place of beginning, containing one-half acre of land.

An examination of the abstract of title submitted shows that the trustees of said church have a good and indefeasible fee simple title to the property here

under investigation, and that said trustees have been duly authorized by proper proceedings in the Court of Common Pleas of Richland County to sell this property to the State of Ohio for the proposed purchase price, to-wit the sum of \$400.00.

An examination of the warranty deed tendered by said trustees shows that the same has been signed and otherwise properly executed and acknowledged by them, and that said deed is in form sufficient to convey to the State of Ohio a fee simple title to said property free and clear of all encumbrances whatsoever.

An examination of the encumbrance estimate above referred to shows that the same has been properly executed and shows that there is a sufficient balance in a proper appropriation account to pay the purchase price of this property. I also note in the file presented a certificate over the signature of Harry D. Silver, president of the emergency board, reciting that said board had granted your request to expend said sum of \$400.00 for the purchase of this property.

Said abstract of title, warranty deed, encumbrance estimate and other files and proceedings relating to the purchase of this property are accordingly hereby approved and returned to you.

Respectfully,

GILBERT BETTMAN,  
*Attorney General.*

1482.

WORKMEN'S COMPENSATION LAW—INDUSTRIAL COMMISSION'S  
DUTY TO COMPENSATE PUBLIC EMPLOYEES—FAILURE OF PRE-  
MIUMS PAID BY POLITICAL SUBDIVISION TO COVER CLAIMS—  
TEMPORARY REMEDY.

*SYLLABUS:*

*The Industrial Commission of Ohio is charged by law with the duty of making payment of compensation because of injuries received by public employes, or the death of such public employes, in the event that the political subdivision constituting the employer has made payment into the state insurance fund of the premiums provided by law. The fact that, because of statutory limitations upon contributions, the particular subdivision constituting the employer has not paid into the fund an amount equal to the disbursements made on behalf of such subdivision, does not relieve the commission of its duty to make payment from the state insurance fund to beneficiaries whose rights accrue by reason of employment by such subdivision, so long as there exists money in the state insurance fund contributed by public employers.*

COLUMBUS, OHIO, February 1, 1930.

*The Industrial Commission of Ohio, Columbus, Ohio.*

GENTLEMEN:—My opinion has been requested as to whether there is any legal way by which the conditions resulting from your recent order, effective January 27th, 1930, may be alleviated. That order stopped payments on all claims of beneficiaries because of injuries to, or death of, public employes in those counties of the state which have not paid into the state insurance fund an amount of money equal to the amount that has already been disbursed from that fund.

The action of the commission was predicated upon a situation arising by reason