

authority is extended to a board of education, and in the absence of statutory authority similar to that extended to village authorities, it is my opinion that a board of education does not have this power. It seems clear that a board of education may not enter into a contract with the township trustees for the paying of the cost of installing a lighting system in a town hall. Under some circumstances, and where the situation warrants, a board of education might agree to pay rental for the use of a portion of the town hall for the purpose of holding its meetings and having its office. This would only be true in cases where it is not convenient and advisable to use one of the school buildings for that purpose.

I am therefore of the opinion, in specific answer to your questions:

1. Under the provisions of Section 7620, General Code, it is the duty of a board of education to build and keep in good repair fences enclosing school lots.

2. It is not within the power of a board of education to pay from school funds, for a portion of the cost of installing a lighting system in a township hall.

Respectfully,

JOHN W. BRICKER,
Attorney General.

2651.

APPROVAL—FIVE BONDS FOR THE FAITHFUL PERFORMANCE OF THEIR DUTIES—PAUL H. ATZEL, INVESTIGATOR, DEPARTMENT OF HIGHWAYS—FRANK R. MCGILL, INVESTIGATOR, DEPARTMENT OF HIGHWAYS—WILLIAM M. DITLINGER, INVESTIGATOR, DEPARTMENT OF HIGHWAYS—KARL E. BUSHONG, INVESTIGATOR, DEPARTMENT OF HIGHWAYS—ALFRED F. TUCKER, INVESTIGATOR, DEPARTMENT OF HIGHWAYS.

COLUMBUS, OHIO, May 11, 1934.

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

DEAR SIR:—You have submitted five bonds, each in the penal sum of \$2,000.00, with surety as indicated, to cover the faithful performance of the duties of the officials as hereinafter named:

Paul H. Atzel, Investigator, Department of Highways—New York Casualty Company.

Frank R. McGill, Investigator, Department of Highways—New York Casualty Company.

William M. Ditlinger, Investigator, Department of Highways—New York Casualty Company.

Karl E. Bushong, Investigator, Department of Highways—New York Casualty Company.

Alfred F. Tucker, Investigator, Department of Highways—New York Casualty Company.

Said bonds have undoubtedly been executed pursuant to the provisions of sections 1182-2 and 1182-3, General Code. Such sections provide, in so far as pertinent here:

"Sec. 1182-2. The director may appoint * * * engineers, inspectors and *other employes* within the limits of the appropriation as he may deem necessary to fully carry out the provisions of this act. * * *"

"Section 1182-3. Each employe or appointee under the provisions of this act, in cases other than where the amount of the bond is herein fixed, may be required to give bond in such sum as the director may determine. All bonds hereinbefore provided for shall be conditioned upon the faithful discharge of the duties of their respective positions, and such bonds * * * shall be approved as to the sufficiency of the sureties by the director, and as to legality and form by the attorney general and be deposited with the secretary of state. * * *"

Finding said bonds to have been properly executed in accordance with the foregoing sections, I have accordingly approved the same as to form, and return them herewith.

Respectfully,

JOHN W. BRICKER,
Attorney General.

2652.

OFFICES COMPATIBLE—DISCUSSION OFFICES COUNTY AUDITOR
AND POSTMASTER.

SYLLABUS:

Compatibility of the offices of county auditor and postmaster discussed

COLUMBUS, OHIO, May 11, 1934.

HON. CARLOS M. RIECKER, *Prosecuting Attorney, McConnellsville, Ohio.*

DEAR SIR:—Your recent inquiry reads as follows:

"Our County Auditor has asked me for an official opinion from your office. He is serving on his second term at this time which will expire March, 1935. On the 24th day of March, 1934, he was recommended by the Democratic Committee of this county for the position as Postmaster at McConnellsville Postoffice which is a second class office. He was one of three candidates who was placed on the eligible list by the Civil Service Commission for this position. Robert Secrest, Congressman of this District, has accepted the selection of the above committee and has sent his recommendation to Washington, D. C., to be confirmed. The present Postmaster's term expires April 1 of this year, and no doubt our present County Auditor will be selected for this position immediately. It will, of course, be necessary