

must be recognized by the state highway commissioner. An assignment of a part of the compensation due or a part of an installment to thereafter become due, may or may not be recognized by the state highway commissioner at his option."

The above question recognizes the definite right of a contractor to assign compensation already earned. The courts have generally extended this right to unearned compensation under an existing contract and the rule in Ohio seems to be generally that a contingent debt, founded on an existing contract, is property which is assignable.

In the absence of the possibility that any fraud may be perpetrated upon the state, I see no violation of the principle of public policy but rather recognize a saving in the cost of administration in that refunds due under several applications may be payable to one person, the assignee, and thus obviate the necessity of the preparation of several warrants and the additional expense of remitting such payments.

In view of the above considerations, and in specific answer to your inquiry, I am of the opinion first, that a written assignment of an entire amount due as refunds under section 5534, General Code, is valid; second, that the tax commission is authorized to accept written assignments of refunds due under the gasoline tax law of Ohio.

Respectfully,
GILBERT BETTMAN,
Attorney General.

3969.

APPROVAL, BOND FOR THE FAITHFUL PERFORMANCE OF HIS DUTIES AS RESIDENT DISTRICT DEPUTY DIRECTOR IN AUGLAIZE, LOGAN AND SHELBY COUNTIES—OSCAR F. SCHILLING.

COLUMBUS, OHIO, January 20, 1932.

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 the name of Oscar F. Schilling appears as principal and the Commercial Casualty Insurance Company of Newark, New Jersey, appears as surety, conditioned to cover the faithful performance of the duties of the principal as Resident District Deputy Director assigned to Auglaize, Logan and Shelby Counties.

Finding said bond legal and proper as to form, I have endorsed my approval thereon and return the same herewith.

Respectfully,
GILBERT BETTMAN,
Attorney General

3970.

TEMPORARY BOARD OF EDUCATION—MAY NOT ELECT CLERK FOR TERM LONGER THAN LIFE OF BOARD.
SYLLABUS:

A board of education, appointed for a newly created school district, in accordance with Section 4736, General Code, is without power to elect a clerk for a term