

original bond. As I have above set forth, there is no specific authority for such action on the part of either the board of education or the board of township trustees. Such authority has been specifically granted by the legislature to boards of county commissioners in Section 2370, General Code. The language of Sections 7605 and 3324, General Code, does not expressly grant this right to such boards, nor does the language therein contained show any legislative intent to bestow on such boards the right of substitution. I am therefore of the opinion that none exists, especially in view of the fact that these boards are purely creatures of the legislature, and have no authority except such as is given to them by the legislature.

Specifically answering your inquiries, I am of the opinion that:

1. When the board of education of a school district has created a depository, pursuant to the provisions of Section 7604, General Code, and has taken a bond as security for such deposit, it may, when the sureties on such bond are no longer sufficient, accept the deposit of additional securities of the type mentioned in such section as security for the performance of the conditions contained in such bond, but may not release the original bond, provided that in so doing a condition of insolvency of the bank is not created.

2. When a board of township trustees has created a depository pursuant to the provisions of Section 3324, General Code, and has taken a bond as security for such depository, it may, when the sureties on such bond are no longer sufficient, accept the deposit of additional securities of the type mentioned in such section as security for the performance of the conditions contained in such bond, but may not release the original bond, provided that in so doing a condition of insolvency of the bank is not created.

3. When a board of education or a board of township trustees has accepted a bond as security for a deposit, pursuant to the provisions of sections 7604 and 3324, General Code, and thereafter the bank has deposited, as additional security for the performance of the conditions contained in such bond, securities of the type authorized by statute in the event of a default in the conditions of such bond, such boards may proceed against the sureties and collateral so deposited concurrently or consecutively.

Respectfully,

GILBERT BETTMAN,

*Attorney General.*

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4789.

APPROVAL, BONDS FOR THE FAITHFUL PERFORMANCE OF THEIR DUTIES—H. P. CHAPMAN, AS FIRST ASSISTANT DIRECTOR OF HIGHWAYS—J. R. BURKEY, DEPUTY DIRECTOR OF HIGHWAYS IN CHARGE OF BRIDGES—MORGAN J. FITZPATRICK, PAYROLL CLERK, DIVISION NO. 3, DEPARTMENT OF HIGHWAYS.

COLUMBUS, OHIO, December 5, 1932.

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

DEAR SIR:—Enclosed herewith find bonds for the following officials in the Department of Highways upon which I have endorsed my approval:

H. F. Chapman—First Assistant Director of Highways.

J. R. Burkey—Deputy Director of Highways in charge of Bridges.  
Morgan J. Fitzpatrick—Payroll Clerk—Division No. 3, Department of  
Highways.

Respectfully,  
GILBERT BETTMAN,  
*Attorney General.*

4790.

APPROVAL, CERTIFICATE OF TITLE TO LAND IN NILE TOWNSHIP,  
SCIOTO COUNTY, OHIO, OF HENRY CLIFFORD.

COLUMBUS, OHIO, December 5, 1932.

HON. WILLIAM H. REINHART, *Conservation Commissioner, Columbus, Ohio.*

DEAR SIR:—You have submitted for my examination a certificate of title, deed, encumbrance estimate No. 44 and approval of controlling board, relating to the proposed purchase of a fifteen acre tract of land situated in Nile Township, Scioto County, Ohio, from one Henry Clifford.

Said certificate of title, certified under date of November 23, 1932, by James S. Thomas, an attorney at law at Portsmouth, Ohio, states that his examination of the Scioto County records was concluded on the 11th day of July, 1932, and that, upon said date of July 11, 1932, said records indicated that Henry Clifford had a good and merchantable fee simple title to said property free and clear of all liens and encumbrances whatsoever, except the taxes for the year of 1932 which became a lien upon said property in April, 1932, but which are not yet due and payable. Upon the basis of said certificate, approval is hereby given to the title of said land. However, inasmuch as a number of months has elapsed since the conclusion of Mr. Thomas' examination, it is advised that, in order to protect the state against any changes which might have taken place in the interim, you have the records inspected from the 11th day of July until the present time, before consummating the purchase, in order to make sure that no new transactions have taken place which would affect the status of the title since July 11.

The proposed deed made by Henry Clifford and Maude Clifford, his wife, is executed in a proper form, with release of dower, to convey a fee simple title to the State of Ohio.

Encumbrance estimate No. 44 shows that there are sufficient funds in the proper appropriation account to pay for said land. The State Controlling Board has given its approval to the purchase.

Enclosed please find all of the documents which above were acknowledged as having been received.

Respectfully,  
GILBERT BETTMAN,  
*Attorney General.*