

An examination of said transcript shows that you have made; in your official capacity as Superintendent of Public Works, the findings of fact necessary under the provisions of Section 13971, General Code, to authorize you to sell this property at the appraised valuation thereof, subject to the approval of the Governor and the Attorney General. In your formal communication to the Governor and the Attorney General, requesting the approval of this sale by said officers, you state you have investigated the value of said tract of land and find said value to be the sum of \$100.00, and that you have, accordingly, appraised the property at said amount.

It appearing that your proceedings relating to the proposed sale of this property have been in all respects regular and in accordance with the provisions of the statute in such case made and provided, and no circumstances appearing in the transaction to indicate that the value of said property is other than that found by you, said sale is hereby approved, and I have accordingly signed the resolution of approval contained in said transcript and in the copy thereof.

Respectfully,  
GILBERT BETTMAN,  
*Attorney General.*

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393.

APPROVAL, FINAL RESOLUTIONS ON ROAD IMPROVEMENTS IN  
LORAIN COUNTY.

COLUMBUS, OHIO, May 10, 1929.

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

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394.

APPROVAL, CONTRACT BETWEEN STATE OF OHIO AND THE W. M. WELCH MANUFACTURING CO., CHICAGO, ILL., FOR CONSTRUCTION OF NEW TRAINING SCHOOL EQUIPMENT, KENT STATE NORMAL SCHOOL, KENT, OHIO, AT AN EXPENDITURE OF \$5,979.55—SURETY BOND EXECUTED BY THE AMERICAN SURETY COMPANY OF NEW YORK.

COLUMBUS, OHIO, May 10, 1929.

HON. RICHARD T. WISDA, *Superintendent of Public Works, Columbus, Ohio.*

DEAR SIR:—You have submitted for my approval a contract between the State of Ohio, acting by the Superintendent of Public Works, for and on behalf of the Board of Trustees of Kent State Normal School, and the W. M. Welch Manufacturing Company, of Chicago, Ill. This contract covers the construction and completion of contract for new training school equipment, Kent State Normal School, Kent, Ohio, and calls for an expenditure of five thousand nine hundred and seventy-nine and 55/100 dollars (\$5,979.55).

You have submitted the certificate of the Director of Finance to the effect that there are unencumbered balances legally appropriated in a sum sufficient to cover the obligations of the contract. You have also submitted a contract bond upon which the American Surety Company of New York appears as surety, sufficient to cover the amount of the contract.

You have further submitted evidence indicating that plans were properly prepared and approved, notice to bidders was properly given, bids tabulated as required by law and the contract duly awarded. Also it appears that the laws relating to the status of surety companies and the Workmen's Compensation Act have been complied with.

In this connection, it will be noted that the award was made prior to January 1, 1929, and that the original appropriation lapsed before such contract was approved by the Attorney General. However, it will be further noted that the 88th General Assembly, in Amended House Bill No. 203, reappropriated such funds and authorized the expenditure of money for such purposes with the consent and approval of the Controlling Board.

Finding said contract and bond in proper legal form, I have this day noted my approval thereon and return the same herewith to you, together with all other data submitted in this connection.

Respectfully,  
GILBERT BETTMAN,  
*Attorney General.*

395.

SURETY—FOR SCHOOL FUNDS DEPOSITED IN BANK BY BOARD OF  
EDUCATION—WHEN LIABLE FOR PRINCIPAL'S DEFAULT.

SYLLABUS:

*Where a board of education has duly designated a bank as a school depository under Section 7605 of the General Code, and a surety bond has been executed conditioned to secure that said depository shall faithfully and truly, according to law, perform its duties as the custodian of such school funds, such surety is liable to the board of education for the full amount of the fund deposited therein to the extent of the maximum amount named in said bond, as soon as such depository fails to deliver said fund on demand being made therefor, notwithstanding said bank may be in the process of liquidation.*

COLUMBUS, OHIO, May 10, 1929.

HON. G. G. JEWELL, *Prosecuting Attorney, Eaton, Ohio.*

DEAR SIR:—In your recent communication you request my opinion as follows:

"The board of education of Lanier Township Rural School District in the latter part of February or the forepart of March, 1927, designated the First National Bank of West Alexandria, Ohio, as the depository of the school funds of said board of education and received according to law a bond for the faithful performance of its duties as such depository. A copy of which bond is enclosed in this letter.

On the 12th day of March, 1929, The First National Bank of West Alexandria, Ohio, was closed by order of the Comptroller, and is still closed