

1437.

APPROVAL, DEEDS TO LAND OF ELMER E. STUDEBAKER, CHARLES H. TURRELL, SARAH E. MEYER AND ELMER E. EMERICK; TWO DEEDS TO LAND OF ADAM STOCKUM AND GEORGE W. STUDEBAKER TO THE DAYTON AND NORTHERN TRACTION COMPANY; ALSO DEED TO LAND OF DAYTON AND NORTHERN TRACTION COMPANY TO THE INDIANA, COLUMBUS AND EASTERN TRACTION COMPANY, AND CERTIFICATE OF AUTHORITY TO THE RECEIVER OF INDIANA, COLUMBUS AND EASTERN TRACTION COMPANY.

COLUMBUS, OHIO, August 23, 1933.

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

DEAR SIR:—I have examined copies of deeds from Elmer E. Studebaker and wife, Charles H. Turrell and wife, Sarah E. Meyer and husband, Elmer E. Emerick and wife, two deeds from Adam Stockum and wife and one deed from George W. Studebaker and wife, to the Dayton & Northern Traction Company. Also deed from the Dayton & Northern Traction Company to the Indiana, Columbus and Eastern Traction Company and certificate of authority to the Receiver of the Indiana, Columbus and Eastern Traction Company to discontinue services and dismantle and sell its property.

Assuming the title to be good in the grantor in such deed, and assuming further that such deeds are correct copies of the original instruments, it is my opinion that the Receiver of the Indiana, Columbus and Eastern Traction Company (J. Harvey McClure) has such title to the premises described in such deeds that he can convey the fee simple estate to a grantee to the premises described in such deeds.

Respectfully,

JOHN W. BRICKER,  
*Attorney General.*

1438.

SCHOOLS—UNDER SECTION 7731-5, GENERAL CODE—BOARD OF EDUCATION NOT LIABLE FOR ACCIDENTS RESULTING FROM NEGLIGENCE IN TRANSPORTATION OF SCHOOL CHILDREN—ACCIDENT AND LIABILITY INSURANCE DISCUSSED.

*SYLLABUS:*

1. *Section 7731-5, General Code, does not create any liability upon the part of boards of education for accidents resulting from the negligence of such boards in the transportation of school children under their authority.*
2. *Said section contemplates what is commonly known as accident insurance as well as liability insurance.*