

accused upon his request. That only those finger prints, photographs, pictures, descriptions and measurements taken of an accused upon his arrest for the particular charge in which a nolle prosequi is subsequently entered should be returned. That if several indictments are pending against an accused no return should be made until a nolle prosequi of all such pending indictments had been entered. That the Bureau of Criminal Identification and Investigation may make such reasonable rules as they deem just as to what evidence should be furnished said Bureau that a nolle prosequi had been entered.

It is my suggestion that either a letter from the prosecuting attorney who submitted the nolle prosequi or a copy of the journal entry showing the nolle prosequi be furnished the Superintendent of the Bureau at the time of making such request for return.

Respectfully,

EDWARD C. TURNER,

*Attorney General.*

7.

VILLAGE COUNCIL—CANNOT BY ANY ACTION RELIEVE TRUSTEES OF VILLAGE SINKING FUND FROM RESPONSIBILITY FOR LOSSES THROUGH FAILURE TO REQUIRE PROPER BOND.

*SYLLABUS:*

*The council of a village cannot by any action relieve the trustees of the village sinking fund from responsibility for losses occasioned by reason of their failure to require a proper bond from the depository which they have selected for the deposit of the funds of the village.*

COLUMBUS, OHIO, January 17, 1927.

HON. PAUL V. WADDELL, *Prosecuting Attorney, Saint Clairesville, Ohio.*

DEAR SIR:—Your inquiry of recent date with reference to the releasing of the Sinking Fund Trustees of the village of Yorkville from personal responsibility on account of loss of moneys belonging to the village by reason of the failure of the Union Savings Bank, has come to my attention.

As I understand the situation the trustees of the sinking fund of the village of Yorkville deposited moneys which were in their hands as such trustees in the Union Savings Bank without requiring proper bond from the bank as required by law and upon the bank's failure the money was lost. Whereupon the state examiner made findings against the trustees as individuals for the amount of the loss and now the village council of whom one of the sinking fund trustees must necessarily be a member, desires to release them from the repayment of the amount of the loss as found by the state examiner.

I know of no way that this can be done and in fact under the statute it would seem to me to be positively forbidden.

Section 286 of the General Code of Ohio reads in part as follows:

“No claim for money or property found in any such report (meaning report of state examiner) to be due to any public treasury or custodian thereof in any such report shall be abated or compromised either before or after the filing of civil actions by any board or officer or by order of any court unless the attorney general shall first give his written approval thereof.”

The spirit of the law is to insist on full responsibility on the part of public officials

in the performance of their duties to the public and require of them that they reimburse the public for any losses occasioned by their failure to diligently perform their duties.

Respectfully,  
EDWARD C. TURNER,  
*Attorney General.*

8.

APPROVAL, LEASES: 3 MIAMI AND ERIE CANAL; 3 OHIO CANAL; 2 INDIAN LAKE; 4 BUCKEYE LAKE AND 2 LAKE ST. MARYS.

COLUMBUS, OHIO, January 17, 1927.

*Department of Highways and Public Works, Division of Public Works, Columbus, Ohio.*

GENTLEMEN:—I am in receipt of your letter dated January 13, 1927, in which you enclose the following leases in triplicate for my approval:

MIAMI AND ERIE CANAL.

To:	Valuation.
C. H. & D. Railway Co., Pole Line-----	\$15,700 00
C. H. & D. Railway Co., Land Lease-----	11,500 00
The Delphos Gas Co., Water Lease-----	616 67
The Delphos Home Telephone Co., Pole Line-----	800 00
John B. Egts, M. D., Land Lease-----	1,000 00
W. O. Holst, Land Lease-----	33,333 34
Napoleon Hoop Company, Water Lease-----	400 00
The Ohio Power Co., Pole Line-----	1,100 00
Frank P. Patton, Land Lease-----	200 00
The Stearns & Foster Co., Land Lease-----	1,000 00

OHIO CANAL.

	Valuation.
N. A. Brokaw, Land Lease-----	\$200 00
C. R. Bumgardner, Land Lease-----	800 00
East Ohio Gas Company, Land Lease-----	300 00
The Ohio Power Co., Pole Line-----	233 34

INDIAN LAKE.

	Valuation.
H. M. Helm & Harriet Blackburn, Business-----	\$200 00
Mrs. Sarah R. Marshall, Cottage Site and Landing-----	8,333 34
Charles Nicholson, Cottage Site and Landing-----	800 00
George L. Pugh, Cottage Site and Landing-----	1,200 00
Jessie C. Siefert, Cottage Site and Landing-----	200 00

LAKE ST. MARYS.

	Valuation.
M. K. Clover, Cottage Site and Landing-----	\$400 00
Lando Dunno, Land Lease-----	500 00
Oran Fell, Cottage Site-----	400 00
Charles L. Keller, Cottage Site-----	200 00
Ambrose Kohler, Cottage Site-----	200 00