

1212.

APPROVAL, BONDS OF SILVER LAKE VILLAGE SCHOOL DISTRICT,
SUMMIT COUNTY—\$80,000.00.

COLUMBUS, OHIO, October 28, 1927.

Retirement Board, State Teachers' Retirement System, Columbus, Ohio.

1213.

DISAPPROVAL, ABSTRACT OF TITLE TO LAND IN THE CITY OF
COLUMBUS, FRANKLIN COUNTY, OHIO.

COLUMBUS, OHIO, October 28, 1927.

HON. CARL E. STEEB, *Secretary, Board of Trustees, Ohio State University, Columbus, Ohio.*

DEAR SIR:—An abstract of title covering the real estate hereinafter described and an encumbrance certificate relative to the proposed purchase of said real estate have been resubmitted for my examination and opinion.

The abstract pertains to the following described premises situated in the City of Columbus, County of Franklin and State of Ohio and more particularly described as:

Lot number twenty-six (26) of Critchfield and Warden's subdivision of the south half of the north half of Lot No. 278 of R. P. Woodruff's Agricultural College Addition to the City of Columbus, as shown on the recorded plat thereof, of record in Plat Book No. 4, at page 234, Recorder's Office, Franklin County, Ohio.

The abstract was prepared by O. W. Aldrich, an attorney at law, down to September 21, 1908, who states that the first twenty-six sections of the abstract were copied from an abstract compiled by George J. Atkinson & Company of Columbus, Ohio, and the continuations since that date have been prepared and certified by J. M. Clifford, an attorney at law.

In the certificate affixed to the end of the original abstract it is stated:

"I, O. W. Aldrich, do hereby certify that I had no record title to the property conveyed by the last deed but only an interest in the proceeds if sold."

If Mr. Aldrich did in fact have any interest in the premises under examination, the abstract submitted shows no transfer or extinguishment thereof. However, it is my opinion that in view of Mr. Aldrich's statement as quoted above, he would be estopped to assert any claim on the premises.

Upon examination of the abstract, which is in part a copy of another abstract, as stated above, I am of the opinion that the same shows a good and merchantable

title in the premises in H. Pearl Legg, subject to taxes for the last half of the year 1926, and for the year 1927, which are unpaid and a lien.

The encumbrance certificate submitted bears No. 2041, is addressed to H. Pearl Legg, is properly certified by the Director of Finance under date of January 27, 1927, and is signed by Carl E. Steeb under date of January 25, 1927. Said certificate is for \$200.00, which is within the amount appropriated and not otherwise expended.

No deed is submitted. The abstract is returned to you together with an abstract of Lots Nos. 27, 28 and 29 of the same addition, which were left with me for purposes of comparison.

Respectfully,

EDWARD C. TURNER,
 Attorney General.

1214.

COUNTY TREASURER—LIABLE FOR ALL PUBLIC FUNDS IN HIS HANDS
 —LIABLE FOR STOLEN FUNDS.

SYLLABUS:

1. *A county treasurer and his bondsmen are liable for all funds which come into his hands for the use of the public.*

2. *The fact that funds were stolen from the county treasurer is no defense to an action for the recovery of such funds.*

COLUMBUS, OHIO, October 31, 1927.

HON. ELMER L. GODWIN, *Prosecuting Attorney, Bellefontaine, Ohio.*

DEAR SIR:—Permit me to acknowledge receipt of your request for my opinion, as follows:

“Am submitting the following question for your opinion:

‘Is the county treasurer held responsible for funds that might be stolen from safe, or in case the treasurer is held up and robbed?’

This matter has been brought to my attention since the county will not pay for burglary insurance.”

This question is discussed in an opinion of this department, No. 527, issued on May 24, 1927, in which it was held:

“County commissioners have no authority to purchase and pay for burglary or hold-up insurance for the county treasurer or for any other county officer, nor have they authority to pay for insurance against forgery for the county treasurer.”

The above conclusion was reached for the reason that the law requires the county to protect itself against loss by requiring the treasurer to give bond conditioned that he shall account for all public monies which come into his possession.

Section 2639 of the General Code reads as follows: