

"The action was brought below by the State of Ohio, for the use of Anna Dickson, against E. Hazzard et al., on a bond given by Hazzard in a bastardy proceeding. The exceptions are all based on the same theory of the case. It was claimed, in the first place, that an action could not be instituted by the mother against the putative father in the name of the state without it appearing that the State of Ohio, by its counsel, prosecuted the suit. Another objection was made, namely, that no entry appeared upon the minutes of the court continuing this recognizance from the November term of 1878 to the following term, at which defendant was convicted, and that the condition of the bond was therefore broken. The Supreme Court has decided that an action upon a bond of this character must be brought by the State of Ohio, the state being the sole obligee in the bond. The state, however, has not a scintilla of interest in the bond, but stands in the position of a naked trustee for the benefit of whom it concerns. It would be imposing upon the Attorney General and upon prosecuting attorney duties, which it would be almost impossible for them to perform, to bring suit upon all bonds in which the state is obligee. We see no objection to the party who has a real interest in the bond bringing an action in the name of the state without showing direct authority upon the part of the state to bring the suit."

In view of the authorities cited herein, I am of the view that an action upon a recognizance given for the appearance of a defendant in a bastardy proceeding may be brought by the prosecuting attorney in the name of the State of Ohio. However, when a judgment has been obtained in the bastardy proceeding against the putative father and the amount of such judgment is equal to, or greater than the amount of the recognizance given for the appearance of the defendant the claimant may institute an action on such recognizance in the name of the state on her relation.

Respectfully,  
 GILBERT BETTMAN,  
*Attorney General.*

1825.

APPROVAL, BONDS OF CARROLL VILLAGE SCHOOL DISTRICT, FAIR-FIELD COUNTY—\$3,000.00.

COLUMBUS, OHIO, May 3, 1930.

*Industrial Commission of Ohio, Columbus, Ohio.*

1826.

APPROVAL, ABSTRACT OF TITLE TO LAND OF ADDIE P. BOYER IN NILE TOWNSHIP, SCIOTO COUNTY, OHIO.

COLUMBUS, OHIO, May 5, 1930.

HON. CARL E. STEEB, *Secretary, Agricultural Experiment Station, Columbus, Ohio.*

DEAR SIR:—This is to acknowledge receipt of your recent communication sub-