

total value of the bank shares, etc., and transmit to the annual state board of equalization for banks a copy of such return so made by the cashier, manager or owner with the valuation of such shares or property representing capital employed as so fixed by the auditor.

Section 5624-10 G. C., referred to in your letter, reads as follows:

"The tax commission of Ohio may remit taxes and penalties thereon, found by it to have been illegally assessed, and such penalties as have accrued or may accrue, in consequence of the negligence or error of an officer required to perform a duty relating to the assessment of property for taxation, or the levy or collection of taxes. It may correct an error in an assessment of property for taxation or in the tax list or duplicate of taxes in a county, but its power under this section shall not extend to taxes levied under the provisions of subdivision 2 of chapter 15 of title 2, part second of the General Code."

The statute just quoted, together with the other sections of the chapter of which it forms a part, indicate that the "officer" therein referred to means one of the public officers who perform some duty relating to the assessment of property for taxation, or to the levying or collection of taxes, and not to an officer of the bank who has no duty to perform in that regard, but whose activity in the premises is confined to making to the county auditor the return called for by section 5411 G. C.

Since the receipt of your letter, I was informed by the chairman of your commission that the question under discussion relates exclusively to a state bank, and this opinion is limited accordingly. For an opinion involving the power of the commission to remit taxes and penalties assessed against a national bank growing out of the fraudulent act of its cashier in over-valuing the bank's assets, see 1913 Opinions of Attorney-General, Vol. I, page 532. However, the meaning of the word "officer" as used in section 5617-4 G. C., now section 5624-10 G. C., was not involved.

You are therefore advised that the specific question submitted in your letter should be answered in the negative.

Respectfully,
JOHN G. PRICE,
Attorney-General.

2224.

APPROVAL, REFUNDING BONDS, CARTHAGE TOWNSHIP RURAL
SCHOOL DISTRICT, ATHENS COUNTY, IN THE AMOUNT OF \$7,500.

COLUMBUS, OHIO, July 1, 1921.

Industrial Commission of Ohio, Columbus, Ohio.