

I am accordingly approving the transcript of your proceedings relating to the purchase of the above described property, as is evidenced by my approval endorsed upon the transcript of such proceedings submitted to me and upon the duplicate copy thereof.

With the transcript, above referred to and approved, you have submitted for my examination and approval a deed executed by the state of Ohio by the hand of the Governor conveying the above described property to The Clifton Development Company. Upon examination of this deed, which has been signed by the Governor and countersigned by the Secretary of State, I find that the same has been properly executed and that the form of this deed is such that it is legally sufficient to convey this property to The Clifton Development Company by fee simple title upon the consideration in money above stated and upon the agreement of said company as the named grantee in the deed to pay any and all assessments levied by the city of Cincinnati against this property for the construction of Central Parkway. This deed is likewise approved by me, as is evidenced by my approval endorsed thereon.

I am herewith returning to you the transcript of your proceeding relating to this sale and the deed conveying the property to The Clifton Development Company. This deed should be lodged with the Auditor of State for record as required by the provisions of Section 8523, General Code.

Respectfully,

JOHN W. BRICKER,  
*Attorney General.*

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5734.

DISAPPROVAL—BOND FOR THE FAITHFUL PERFORMANCE  
OF HIS DUTIES AS RESIDENT DIVISION DEPUTY DI-  
RECTOR—HARRY SHARP.

COLUMBUS, OHIO, June 20, 1936.

HON. JOHN JASTER, JR., *Director of Highways, Columbus, Ohio.*

DEAR SIR: You have submitted a bond, in the penal sum of \$5,000, with surety as indicated, to cover the faithful performance of the duties of the official as hereinafter listed:

Harry Sharp, Resident Division Deputy Inspector in Division  
11—Century Indemnity Company of Hartford Connecticut.

The above bond is evidently executed pursuant to the provisions of sections 1182 and 1182-3, General Code, which read, so far as pertinent, as follows:

“Sec. 1182. Each division deputy director shall give bond in the sum of five thousand dollars, conditioned for the faithful performance of his duties to the approval of the *state highway director*. \* \* \*”

“Sec. 1182-3. All bonds hereinbefore provided for shall be conditioned upon the faithful discharge of the duties of their respective positions, and such bonds, \* \* \* shall be approved as to the sufficiency of the sureties *by the director (of highways)*, and as to legality and form by the attorney general, and be deposited with the secretary of state. \* \* \*” (Words in parenthesis the writer’s.)

An examination of such bond shows that it has not been approved by the Director of Highways, as required by sections 1182 and 1182-3, General Code, supra. However, I assume that “in the absence of the director,” the first assistant director of highways has approved the sufficiency of the sureties, under the language of section 1180-1, General Code, which states:

“\* \* \* In the absence of the director (of highways) such first assistant shall perform and discharge all the duties of the director as required by law \* \* \*.” (Words in parenthesis the writer’s.)

An examination of the power of attorney does not disclose that Eugene H. Hanhart had authority to sign bonds of this nature on behalf of the Century Indemnity Company, on May 1, 1936, when the bond was executed. The power of attorney confers authority beginning June 1, 1936, only.

When a power of attorney showing that Eugene H. Hanhart was authorized to enter into bonds of this nature on May 1, 1936, is submitted, the foregoing bond will be approved by this office as to legality of its form.

Respectfully,

JOHN W. BRICKER,  
*Attorney General.*