

In at least some schools throughout the state, the board of education furnishes musical instruments for use in the schools in teaching music. In others, the pupils furnish their own instruments. No doubt, in all of them there is an attempt made to have uniformity in the instruments used. In a great many instances, it would be to the advantage of the teacher and the pupils to have each of the pupils have an instrument like each of the others. This would no doubt facilitate the work of the school and it is probable that teachers use their influence in some cases at least, to induce the board of education to adopt instruments of a certain manufacture.

The teacher who was an agent for a particular type or make of musical instrument could not very well help but be influenced to some extent were he to recommend to the board the adoption of any particular make of instrument to be used in the schools.

To my mind the same reasoning would apply for saying that a teacher should not act as agent for musical instrument manufacturers or dealers and sell musical instruments to the pupils of the schools for use in the schools or in connection with the courses in music given in the schools, as would exist for prohibiting those teachers to act as agents for text books or any other apparatus to be used in the schools. The manifest purpose of the statute is to prohibit the very thing which an agency for musical instruments would engender in the teacher or supervisor who was such agent.

I am therefore of the opinion, in specific answer to your question that the provisions of Section 7718, General Code, prohibit a music teacher or supervisor in the public schools from acting as agent for musical instrument manufacturers or dealers and selling those instruments to the pupils of the public schools for the use of the pupils in connection with their pursuance of the courses in music in the schools.

Respectfully,
GILBERT BETTMAN,
Attorney General.

4362.

APPROVAL, BOND FOR THE FAITHFUL PERFORMANCE OF HIS
DUTIES AS DEPUTY SUPERINTENDENT OF INSURANCE, STATE
OF OHIO—LOUIS HENRY KREITER.

COLUMBUS, OHIO, May 26, 1932.

HON. CHARLES T. WARNER, *Superintendent of Insurance, Columbus, Ohio.*

DEAR SIR:—You have submitted for my approval a bond upon which the name of Louis Henry Kreiter appears as principal and the National Surety Company, New York, appears as surety, in the penal sum of \$10,000.00, conditioned to cover the faithful performance of the duties of the principal as Deputy Superintendent of Insurance, State of Ohio.

Finding said bond proper as to form, I have endorsed my approval thereon and return the same herewith.

Respectfully,
GILBERT BETTMAN,
Attorney General.