

proper legal form and when executed will constitute a binding agreement between the State of Ohio and the City of Athens and I have accordingly endorsed my approval thereon and am returning the same herewith.

Respectfully,

HERBERT S. DUFFY,  
*Attorney General.*

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971.

APPROVAL—BOND OF WILLIAM J. WHITEHEAD IN THE AMOUNT OF \$5,000.00 WITH THE NEW YORK CASUALTY COMPANY AS RESIDENT DEPUTY DISTRICT DIRECTOR OF HIGHWAYS IN LAWRENCE COUNTY, OHIO.

COLUMBUS, OHIO, August 4, 1937.

HON. JOHN JASTER, JR., *Director, Department of Highway, Columbus, Ohio.*

DEAR SIR: You have submitted for my approval the bond of William J. Whitehead in the amount of \$5000.00, with the New York Casualty Company as surety, covering Mr. Whitehead as Resident District Deputy Director in Lawrence County.

Finding said bond in proper legal form, with the authority of the signers of the bond properly attached, I am returning the same herewith to you with my approval endorsed thereon.

Respectfully,

HERBERT S. DUFFY,  
*Attorney General.*

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972.

JURY COMMISSIONER HOLDS OFFICE OF TRUST OR PROFIT BY APPOINTMENT, WHEN.

SYLLABUS:

*A jury commissioner holds an office of trust or profit by appointment, within the purview of Sections 12910 and 12911, General Code.*

COLUMBUS, OHIO, August 4, 1937.

HON. H. LLOYD JONES, *Prosecuting Attorney, Delaware Ohio.*

DEAR SIR: Your request for my opinion reads as follows:

"Are Sections 12910 and 12911 applicable to a jury commissioner appointed under the provisions of Section 11419-2 et seq., General Code.

Your early reply will be greatly appreciated."

Sections 12910 and 12911, General Code, read as follows:

"Sec. 12910. Whoever, holding an office of trust or profit by election or appointment, or as agent, servant or employe to such officer or of a board of such officers, is interested in a contract for the purchase of property, supplies or fire insurance for the use of the county, township, city, village, board of education or a public institution with which he is connected, shall be imprisoned in the penitentiary not less than one year nor more than ten years."

"Sec. 12911. Whoever, holding an office of trust or profit, by election or appointment, or as agent, servant or employe of such officer or of a board of such officers, is interested in a contract for the purchase of property, supplies or fire insurance for the use of the county, township, city, village, board of education or a public institution with which he is not connected, and the amount of such contract exceeds the sum of fifty dollars, unless such contract is let on bids duly advertised as provided by law, shall be imprisoned in the penitentiary not less than one year nor more than ten years."

Without quoting Sections 11419-2 et seq., General Code, suffice it to say that the jury commissioners are chosen by the judge or judges of the common pleas court, and said jury commissioners come solely under the jurisdiction and control of the common pleas court.

The only question presented by your inquiry is whether or not a jury commissioner holds an office "of trust or profit by election or appointment, or as agent, servant or employe of such officer or of a board of such officers". There are officers as set up by the constitution of Ohio and also officers set up by statute. Obviously, a jury commissioner chosen by the judge or judges of the common pleas court is a statutory office.

It is to be noted that by Section 11419-5, General Code, a jury commissioner or commissioners must take an oath of office. Section 11419-3, General Code, states that the jury commissioner or commis-

sioners shall hold office at the pleasure of the judge or judges of the common pleas court. It is elementary that any public office is an office of trust, and inasmuch as the office of a jury commissioner is filled by appointment, a jury commissioner must be said to hold an office of trust by appointment, within the meaning of Sections 12910 and 12911, General Code.

I am therefore of the opinion, in specific answer to your inquiry, that Sections 12910 and 12911, General Code, apply to a jury commissioner appointed under the provisions of Sections 11419-2, et seq., General Code.

Respectfully,

HERBERT S. DUFFY,  
*Attorney General.*

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973.

APPROVAL—BONDS OF CITY OF DAYTON, MONTGOMERY  
COUNTY, OHIO, \$208,000.00.

COLUMBUS, OHIO, August 4, 1937.

*The Industrial Commission of Ohio, Columbus, Ohio.*

GENTLEMEN :

RE: Bonds of City of Dayton, Montgomery County,  
Ohio, \$208,000.00.

I have examined the transcript of proceedings relative to the above bonds purchased by you. These bonds comprise part of an issue of waterworks refunders, 1937, in the aggregate of \$300,000, dated July 1, 1937, bearing interest at the rate of 3% per annum.

From this examination, in the light of the law under authority of which these bonds have been authorized, I am of the opinion that bonds issued under these proceedings constitute a valid and legal obligation of said city.

Respectfully,

HERBERT S. DUFFY,  
*Attorney General.*