

3830.

APPROVAL, NINE BONDS FOR THE FAITHFUL DISCHARGE OF HIS DUTIES  
AS TREASURER OF STATE—HARRY S. DAY.

COLUMBUS, OHIO, January 17, 1935.

HON. HARRY S. DAY, *Treasurer of State, Columbus, Ohio.*

DEAR SIR:—You have submitted for my examination and approval, fifteen bonds guaranteeing the faithful discharge of various duties imposed upon you by law. Nine of these bonds are as follows:

<i>Surety Company</i>	<i>Penal Sum</i>
National Surety Corporation of New York, N. Y.....	\$ 25,000
Globe Indemnity Company of New York, N. Y.....	\$ 50,000
New York Casualty Company of New York City.....	\$ 50,000
Fidelity and Deposit Company of Maryland, of Baltimore, Md.....	\$ 50,000
Hartford Accident and Indemnity Company of Hartford, Conn.....	\$150,000
Indemnity Insurance Company of North America.....	\$ 50,000
Hartford Accident and Indemnity Company of Hartford, Conn.....	\$ 50,000
Fidelity and Casualty Company of New York.....	\$150,000
American Surety Company of New York.....	\$ 25,000

The above listed bonds, in the penal sum of Six Hundred Thousand (\$600,000.00) Dollars, are given pursuant to Section 297, General Code, which provides:

“Before entering upon the discharge of the duties of his office, the treasurer of state shall give a bond to the state in the sum of six hundred thousand dollars with twelve or more sureties approved by the governor, conditioned for the faithful discharge of the duties of his office. Such bond, with the approval of the governor and the oath of office indorsed thereon, shall be deposited with the secretary of state and kept in his office.”

While the above statute would seem to require twelve or more sureties, yet when said section is read with Section 9571, General Code, one or more surety companies may legally supply the bond to be given by the Treasurer of State under the former section.

It will be necessary, under the terms of Section 297, General Code, *supra*, that the Governor of Ohio endorse his approval on the bond.

Four of the remaining six bonds are as follows:

<i>Surety Company</i>	<i>Penal Sum</i>
Hartford Accident and Indemnity Company .....	\$125,000
New York Casualty Company of New York.....	\$100,000
Western and Southern Indemnity Company.....	\$ 25,000
National Surety Corporation of New York, N. Y.....	\$ 50,000

The above mentioned bonds, in the total sum of Three Hundred Thousand (\$300,000.00) Dollars, are given pursuant to Section 6309, General Code, as last amended by the 90th General Assembly (115 O. L. 104, 105) at its regular session. Said section reads in part:

“ \* \* \* The treasurer of state shall be the custodian of the funds to be distributed to the counties and districts of registration and shall disburse the same in the manner provided in section 6309-2 of the General Code. He shall give a separate and additional bond in the sum of three hundred thousand dollars, the premium on which, if any, shall be paid by the registrar from his appropriation for defraying the expense incident to carrying out the provisions of this chapter and the sureties, on which shall be approved by the auditor of state, conditioned for the faithful performance of his duties as such custodian. Such bond shall be deposited in the office of the secretary of state. \* \* \* ”

Under the above section, it is the duty of the Auditor of State to approve the above listed four bonds. Hence, the Auditor of State should endorse his approval on the bonds before they are filed with the Secretary of State.

One of the two remaining bonds is as follows:

<i>Surety Company</i>	<i>Penal Sum</i>
New York Casualty Company of New York City .....	\$100,000

This bond is given pursuant to Section 1465-56, General Code. Said section provides:

“The treasurer of state shall give a separate and additional bond, in such amount as may be fixed by the governor, and with sureties to his approval, conditioned for the faithful performance of his duties as custodian of the state insurance fund herein provided for. Such bond shall be deposited with the secretary of state and kept in his office.”

Under the terms of this section, it will be necessary for the Governor to endorse his approval on the bond before it is filed with the Secretary of State.

The last remaining bond is as follows:

<i>Surety Company</i>	<i>Penal Sum</i>
Hartford Accident and Indemnity Company of Hartford, Conn.....	\$100,000

This bond is given in pursuance to the provisions of Section 7896-13, General Code, which reads:

“ \* \* \* The treasurer of state shall give a separate and additional bond in such amount as may be fixed by the governor and with sureties to the approval of the governor, conditioned for the faithful performance of the duties of such treasurer as custodian of the funds of the retirement system provided for herein. Such bond shall be deposited with the secretary of state and kept in his office. \* \* \* .”

Under the above section, it will be necessary for the Governor to endorse his approval on the bond, before it is filed with the Secretary of State.

In passing, it is to be noted that in the bond of the National Surety Corporation of New York, given pursuant to section 6309, General Code, the term for which the Treasurer of State is bonded is not definitely set forth.

In the bond of the American Surety Company of New York, given pursuant to

section 297, General Code, there is no financial statement of the surety attached to the bond.

In the bond of the Indemnity Insurance Company of North America, given pursuant to section 297, General Code, it is noted that no date of signing of the bond has been entered thereon and there is no financial statement of the surety attached to the bond.

In the bond of the Fidelity and Casualty Company of New York, given pursuant to section 297, General Code, the term for which the Treasurer of State is bonded is not definitely set forth. Moreover, the bond is dated January 3, 1935, whereas the power of attorney of the agent is dated January 5, 1935. Also there is no financial statement attached to the bond.

In the bond of the Western and Southern Indemnity Company, given pursuant to Section 6309, General Code, there is no financial statement of the surety attached to the bond.

I would advise that these omissions and errors be corrected before the bonds are filed with the Secretary of State.

After examination of said bonds, it has been found that the form thereof, with the exception of the matters pointed out is in compliance with the provisions of law noted, and accordingly I have endorsed thereon my approval as to form and return the same herewith. When said bonds have been corrected and properly approved, as pointed out above, they should be deposited with the Secretary of State.

Respectfully,

JOHN W. BRICKER,  
*Attorney General.*

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3831.

APPROVAL, BONDS OF WATERTOWN RURAL SCHOOL DISTRICT, WASHINGTON COUNTY, OHIO, \$828.02.

COLUMBUS, OHIO, January 17, 1935.

*Retirement Board, State Teachers Retirement System, Columbus, Ohio.*

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3832.

APPROVAL, BONDS OF PIKE TOWNSHIP RURAL SCHOOL DISTRICT, KNOX COUNTY, OHIO, \$4,772.06.

COLUMBUS, OHIO, January 17, 1935.

*Retirement Board, State Teachers Retirement System, Columbus, Ohio.*