

an emergency measure, and the municipal council so declares, and properly passes such a measure according to law, such repeal or amendment will be effective even though the previous ordinance which is being repealed or amended had been enacted by virtue of the power of the initiative.

Respectfully,

JOHN W. BRICKER.

Attorney General.

20.

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

COLUMBUS, OHIO, January 16, 1933.

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

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

Surety Company.	Penal Sum.
American Surety Company of New York.....	\$25,000
Globe Indemnity Company.....	50,000
Hartford Accident and Indemnity Company.....	50,000
The Western and Southern Indemnity Company.....	25,000
Indemnity Insurance Company of North America.....	50,000
The Fidelity and Casualty Company of New York.....	150,000
National Surety Company.....	150,000
Fidelity and Deposit Company of Baltimore, Maryland.....	50,000
Maryland Casualty Company.....	50,000

The above listed bonds, in the total penal sum of \$600,000.00, 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, *supra*, that the Governor of Ohio indorse his approval on the bond.

Three of the remaining five bonds are as follows:

Surety Company.	Penal Sum.
The Aetna Casualty and Surety Company.....	\$75,000
The Maryland Casualty Company.....	100,000
The National Surety Company.....	125,000

The above mentioned bonds, in the total sum of \$300,000, are given pursuant to section 6309, General Code, as last amended by the 89th General Assembly (114 O. L. 855). Said section reads in part:

"* * * The treasurer of state shall be the custodian of the funds (motor vehicle 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 commissioner of motor vehicles from his appropriation for defraying the expense incident to carrying out and enforcing 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 three bonds. Hence, the Auditor of State should indorse his approval on the bonds before they are filed with the Secretary of State.

One of the two remaining bonds is as follows:

Surety Company.	Penal Sum.
Hartford Accident and Surety Company.....	\$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 indorse his approval on the bond before it is filed with the Secretary of State.

The last remaining bond is as follows:

Surety Company.	Penal Sum.
Maryland Casualty Company.....	\$100,000

This bond is given pursuant to the provisions of section 7896-13, General Code, which reads in part as follows:

“* * * 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 indorse his approval on the bond before it is filed with the Secretary of State.

In passing, it is to be noted that the date the oath was taken does not appear on most of the bonds. I would advise that these omissions 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 is in compliance with the provisions of law noted, and accordingly, I have indorsed thereon my approval as to form and return the same herewith. When said bonds have been properly approved, as pointed out above, they should be deposited with the Secretary of State.

Respectfully,
JOHN W. BRICKER,
Attorney General.

21.

APPROVAL, BOND FOR THE FAITHFUL PERFORMANCE OF HIS
DUTIES AS DEPUTY DIRECTOR OF HIGHWAYS—C. E. McKEE.

COLUMBUS, OHIO, January 16, 1933.

HON. O. W. MERRELL, *Director of Highways, Columbus, Ohio.*

DEAR SIR:—You have submitted a bond to cover the faithful performance of the duties of C. E. McKee as Deputy Director in charge of the Bureau of Maintenance, Department of Highways.

Said bond, which is executed by the Maryland Casualty Company, in the penal sum of five thousand dollars, is undoubtedly executed pursuant to the provisions of section 1181, General Code, which provides in part:

“* * * The director (of highways) shall require each deputy director to give bond in the sum of five thousand dollars, conditioned for the faithful performance of his duties with sureties to the approval of the state highway director.” (Words in parenthesis the writer’s.)

It is noted that you have approved said bond in accordance with the above section.

Finding said bond to have been properly executed, I have accordingly approved the same as to form and return it herewith.

Respectfully,
JOHN W. BRICKER,
Attorney General.