

3980.

DISAPPROVAL, BOND FOR THE FAITHFUL PERFORMANCE OF HIS DUTIES  
AS RESIDENT DIVISION DEPUTY DIRECTOR OF HIGHWAYS—H. C.  
MILLER.

COLUMBUS, OHIO, February 26, 1935.

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

DEAR SIR:— You have submitted a bond in the penal sum of \$5,000, executed by H. C. Miller, as principal, and the Maryland Casualty Company of Baltimore, Maryland, as surety, to cover the faithful performance of the duties of the principal as Resident Division Deputy Director in Division No. 7, effective February 11, 1935.

Such bond is undoubtedly executed pursuant to the provisions of sections 1182 and 1183-2, General Code, reading so far as pertinent as follows:

“Sec. 1182. It shall be the duty of the director (of highways) to divide the state into not exceeding fifteen divisions \* \* \*. He shall appoint and assign to each of such divisions a resident division deputy director \* \* \*. Each of said resident division deputy directors \* \* \* shall serve during the pleasure of the director. Each division deputy director shall 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. \* \* \*”

“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, and as to legality and form by the attorney general, and be deposited with the secretary of state. \* \* \*”

In lines 9 and 10 of the bond, I note that it is stated that H. C. Miller is appointed “for the term of two (2) years,” from February 11, 1935. Section 1182, General Code, supra, provides that the resident division deputy director “shall serve during the pleasure of the director.” Hence there is no authority for appointment of a resident division deputy director for a term of two years. Therefore, I would advise that the phrase “for the term of two (2) years” be eliminated.

I am therefore returning the bond herewith without my approval endorsed thereon.

Respectfully,  
JOHN W. BRICKER,  
*Attorney General.*