

5562.

APPROVAL — CONDITIONALLY, TWO BONDS FOR THE FAITHFUL DISCHARGE OF THEIR DUTIES AS INSPECTORS OF STATE RACING COMMISSION—JOHN H. HARMON, AL. WISWELL.

COLUMBUS, OHIO, May 19, 1936

HON. THOMAS J. RYAN, *Secretary, Ohio State Racing Commission 507 Wyandotte Building, Columbus, Ohio.*

DEAR SIR: You have submitted for my approval as to legality and form two bonds purporting to guarantee the faithful discharge of the duties of two persons designated as "Inspectors" of the State Racing Commission, as follows:

John H. Harmon—New York Casualty Company—\$5,000.  
A. L. Wiswell—New York Casualty Company—\$5,000.

Undoubtedly such bonds are executed pursuant to statutory authority contained in section 1079-9, General Code (115 O. L. 672). Such section, so far as pertinent, reads as follows:

"The state racing commission shall employ *a representative* to attend each horse racing meeting, held under a permit issued under this act, who shall give bond in the sum of five thousand dollars *with sufficient sureties to be approved by and made payable to the treasurer of state*, which bond shall be filed with the secretary of state \* \* \*." (Italics mine.)

I presume the "inspectors" in question are "representatives" as set forth in section 1079-9, General Code, *supra*.

It will be noted that said section 1079-9, General Code, requires the Treasurer of the State of Ohio to approve the surety and that such bond shall be "made payable to the Treasurer of State." Also, while the section does not stipulate as to the condition of the bond, section 6, General Code, a general section, would appear to make sufficient a bond conditioned "for the faithful performance by such person of the office or trust."

In view of the foregoing, it would seem necessary that the large black words "State of Ohio" in the second line of each bond should be eliminated and the words "Treasurer of the State of Ohio" inserted in their place. Also after the word "Inspector" in the ninth line of the bonds, it would be advisable to insert therein in parenthesis the word

“Representative” so as to clearly identify the authorized capacity in which the principal is employed.

Furthermore, in the second line of the oath, after the word “Inspector,” the word “Representative” should be added in parenthesis.

After the foregoing corrections are made, the signature of the Treasurer of the State of Ohio must be placed on the bonds, and then such bonds filed with the Secretary of State.

Subject to the corrections being made as indicated, the form of the bonds submitted are herewith approved.

Respectfully,

JOHN W. BRICKER,

*Attorney General.*

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5563.

APPROVAL—BONDS OF CITY OF TOLEDO, LUCAS COUNTY,  
OHIO, \$28,000.00.

COLUMBUS, OHIO, May 20, 1936.

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

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5564.

APPROVAL—BONDS OF CITY OF AKRON, SUMMIT COUNTY,  
OHIO, \$5,000.00.

COLUMBUS, OHIO, May 20, 1936.

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