

of Section 3024 being to prohibit such fees only in cases before municipal courts, mayors, justices of the peace and similar courts.

Respectfully,

JOHN W. BRICKER,

Attorney General.

116.

APPROVAL, FOUR BONDS FOR THE FAITHFUL PERFORMANCE OF THEIR DUTIES AS RESIDENT DIVISION DEPUTY DIRECTOR, DIRECTOR OF HIGHWAYS AND RESIDENT DISTRICT DEPUTY DIRECTORS—GEORGE MURRAY ANDERSON—OTHO WALTER MERRELL—JOHN WILLARD REPPPEL—OSCAR F. SCHILLING.

COLUMBUS, OHIO, February 8, 1933.

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

DEAR SIR:—You have submitted four bonds, three in the penal sum of \$5,000.00 each, and one in the penal sum of \$10,000.00, with sureties as indicated to cover the faithful performance of the officials as hereinafter listed:

George Murray Anderson, Resident Division Deputy Director in Division No. 9—Commercial Casualty Insurance Company.

Otho Walter Merrell, Director of Highways—The Century Indemnity Company.

John Willard Reppel, Resident District Deputy Director in Ross County—Commercial Casualty Insurance Company of Newark, New Jersey.

Oscar F. Schilling, Resident District Deputy Director in Auglaize, Logan and Shelby Counties—Commercial Casualty Insurance Company of Newark, New Jersey.

The first of the above listed bonds, is evidently executed pursuant to the provisions of Sections 1182 and 1182-3, General Code. Section 1182, General Code, reads, so far as pertinent, as follows:

“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. * * *”

Section 1182-3, General Code, states, so far as pertinent:

“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 (of highways), and as to legality and form by the attorney general, and be deposited with the secretary of state. * * *”
(Words in parenthesis, the writer's.)

Finding said bond to be in proper form, according to the above noted statutory provisions, it is hereby approved.

The second of the above listed bonds is evidently executed pursuant to the provisions of Sections 1179 and 1182-3, General Code. Section 1179, General Code, reads, so far as pertinent, as follows:

"* * * The state highway director shall, before entering upon the duties of his office, take and subscribe to an oath of office as provided by law and give bond, conditioned according to law, *with security to be approved by the governor*, in such penal sum as shall be fixed by the governor, not less in any case than ten thousand dollars. Such bond and oath shall be filed in the office of the secretary of state." (Italics the writer's.)

Section 1182-3, General Code, provides, so far as pertinent, as follows:

"* * * All bonds hereinbefore provided for shall be conditioned upon the faithful discharge of the duties of their respective positions, and such bonds, *except the bond of the director, which shall be approved as to sureties by the auditor of state*, 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. * * *" (Italics the writer's.)

It is noted that this bond has not been signed by the principal, Otho Walter Merrell.

Also, it will be necessary for the governor and auditor of state to indorse their approval on the bond, before it is filed with the secretary of state. When this has been done, and returned to this office, same will be approved.

The last two of the above listed bonds are undoubtedly executed pursuant to the provisions of Sections 1183 and 1182-3, General Code. Section 1183, General Code, provides, so far as pertinent:

"* * * Such resident district deputy directors shall * * * give bond in the sum of five thousand dollars. * * *"

Section 1182-3, as already quoted in connection with the first mentioned bond in a preceding paragraph, is also applicable to the last two bonds.

Finding said bonds to be properly executed in accordance with the above noted sections, I am hereby approving said bonds.

All bonds are being returned herewith.

Respectfully,
JOHN W. BRICKER,
Attorney General.