

2458.

APPROVAL—SEVEN BONDS FOR THE FAITHFUL PERFORMANCE OF THEIR DUTIES OF INVESTIGATORS AND DEPUTY DISTRICT DIRECTOR.

COLUMBUS, OHIO, April 5, 1934.

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

DEAR SIR:—You have submitted seven bonds, six in the penal sum of \$2,000, and one in the penal sum of \$5,000, with sureties as indicated, to cover the faithful performance of the duties of the officials as hereinafter named:

1. Chas. J. Costigan, Resident District Deputy Director for the Department of Highways in Summit County—United States Casualty Company.
2. William T. Roberts, Jr., Investigator for Department of Highways—New York Casualty Company.
3. Carl E. Grubbs, Investigator for Department of Highways—New York Casualty Company.
4. Allen W. Yarnell, Investigator Department of Highways—New York Casualty Company.
5. Paul C. Snyder, Investigator for Department of Highways—New York Casualty Company.
6. Clarence W. Hanna, Investigator for Department of Highways—New York Casualty Company.
7. John H. McCormick, Investigator for Department of Highways—New York Casualty Company.

The first of the above mentioned bonds is apparently executed pursuant to sections 1183 and 1182-3, General Code, which sections provide so far as pertinent as follows:

Sec. 1183. “\* \* \* They (resident district deputy directors) shall \* \* \* give bond in the sum of five thousand dollars. \* \* \*”

Sec. 1182-3. “Each employe or appointee under the provisions of this act, in cases other than where the amount of the bond is herein fixed may be required to give bond in such sum as the director (of highways) may determine. 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 \* \* \*.”

Finding said bond to have been properly executed in accordance with the foregoing statutes, said bond is hereby approved and I have endorsed my approval on the bond.

The remaining six bonds are undoubtedly executed pursuant to sections 1182-2 and 1182-3, General Code. Section 1182-2, General Code, provides so far as pertinent as follows:

"The director may appoint additional clerks and stenographers, and such other engineers, inspectors and other employes within the limits of the appropriation as he may deem necessary to fully carry out the provisions of this act; \* \* \*"

Finding such bonds to have been properly executed in accordance with sections 1182-2 and 1182-3, General Code, I hereby approve the bonds and have endorsed my approval thereon.

All of said bonds and papers submitted therewith, are herewith returned.

Respectfully,

JOHN W. BRICKER,

*Attorney General.*

z459.

STATE HIGHWAY—ABANDONMENT BY DIRECTOR OF HIGHWAYS—  
REVERTS TO FORMER STATUS—EFFECTIVE DATE OF ABAN-  
DONMENT—PERSONAL INJURY.

*SYLLABUS:*

1. *When the Director of Highways, acting in pursuance to the provisions of section 1189 of the General Code, abandons a part of a state highway, the same reverts to its former status as a county or township road or municipal street.*

2. *Said abandonment becomes effective as of the date when all of the statutory steps have been taken by the Director and he has certified his action to the County Commissioners.*

COLUMBUS, OHIO, April 5, 1934.

HON. PAUL A. BADEN, *Prosecuting Attorney, Hamilton, Ohio.*

DEAR SIR:—Acknowledgment is made of your recent communication requesting my opinion upon the following:

"A State Highway known as US SR No. 127 runs between Hamilton and Eaton, Ohio; as this highway goes out of Hamilton it winds along the west side of the Miami River and then along what is known as Four-mile creek and finally crosses Four-mile creek at a little Village called New Miami.

There are a number of bad turns in this road and as it is heavily traveled it was decided some time in 1931 to reroute the highway according to the map which is herewith enclosed. In pursuance of an agreement with the State Highway Department, the County Commissioners of Butler County, Ohio, purchased the right of way for the new location of US No. 127 and some time before June 23, 1932, the Director of Highways proceeded, in accordance with provisions of Section 1189, to advertise the proposed new location of US No. 127 (known on the map of the Department of Highways as S. H. No. 180) and also the proposed abandonment as a state highway, the proposed abandonment being that portion of the highway designated on the map herewith enclosed as 'old US SR No. 127.'

The hearing was had at the office of the State Highway Depart-