

17. 'Public roads and highways' for vehicles includes all *public thoroughfares, bridges and culverts.*" (Italics mine.)

Inasmuch as the legislative definition of chauffeur employs the term "operator" it would appear that a person would not be a chauffeur unless he operated a motor vehicle upon the public highways. That is, if we were to substitute the definition of "operator" into the legislative definition of the word chauffeur, it would then read: "'Chauffeur' means any person who drives or operates a motor vehicle *upon the public highways* as an employe or for hire". It is also to be noted that Section 6290 provides that the definition of terms therein laid down are the definitions to be used in the penal laws relating to motor vehicle violations.

Therefore, specifically answering your inquiry, it is my opinion that no violation of Section 12624, General Code, occurs if a person employed to operate a motor vehicle for hire drives or operates such motor vehicle without procuring a chauffeur's license if the motor vehicles so operated are not operated on the public highways at any time but are merely used in hauling stone on privately owned land or in a water course.

Respectfully,
JOHN W. BRICKER,
Attorney General.

3230.

OHIO RECOVERY ACT—ADMINISTRATION OF OATHS AND TAKING OF AFFIDAVITS BY CHIEF INSPECTOR OF WORKSHOPS AND FACTORIES AUTHORIZED WHEN.

SYLLABUS:

If the governor by virtue of the authority granted him in section 2 of the Ohio Recovery Act has delegated to the Department of Industrial Relations his power to investigate labor practices and conditions of employment in any trade or industry, the chief inspector of workshops and factories and district inspectors have authority to administer oaths and take affidavits in their investigation of matters under the Ohio Recovery Act.

COLUMBUS, OHIO, September 19, 1934.

HON. THOMAS A. EDMONDSON, *Director, Department of Industrial Relations, Columbus, Ohio.*

DEAR SIR:—My opinion has been requested upon the power of the chief inspector and district inspectors of workshops and factories to administer oaths and take affidavits in the investigation of matters under the Ohio Recovery Act.

Section 995 of the General Code reads as follows:

"In performance of his duties pertaining to his office, the chief inspector of workshops and factories and each district inspector shall have the authority of a notary public to administer oaths and take affidavits."

The statutes of Ohio (Section 980, General Code, et seq.) which define the

duties pertaining to the office of chief inspector of workshops and factories and of district inspectors, provide that such inspectors shall carefully inspect all workshops and factories with the view to safeguard the health and safety of the employes, and if conditions exist which are injurious to their health and if requirements designed to prevent accident or injury are not complied with, to notify the owner of such factory to make the necessary alterations and additions.

In answering the question presented in your inquiry, it must be determined whether or not such inspectors, in their investigation of matters under the Ohio Recovery Act, are in the performance of the duties pertaining to their office. House Bill No. 705 of the 90th General Assembly, generally known as the Ohio Recovery Act, reads in part as follows:

“Section 2. To effectuate the policy of this act the governor is hereby authorized to delegate all or any part of the powers and functions hereby vested in him, to any department or departments, or commission or commissions, of the state government as established by law, and to accept and utilize such voluntary and uncompensated services as he may find necessary, and to prescribe their authorities, duties and responsibilities.

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Section 4. Every code of fair competition approved or prescribed and every agreement entered into under this act shall contain the following conditions:

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(3) That employers shall comply with the maximum hours of labor, minimum rates of pay, and other conditions of employment, approved or prescribed by the governor.

The governor shall, so far as practicable, afford every opportunity to employers and employes in any trade or industry or subdivision thereof operating in intrastate commerce only, with respect to which the conditions referred to in clauses (1) and (2) of this section prevail, to establish by mutual agreement, the standards as to the maximum hours of labor, minimum rates of pay, and such other conditions of employment as may be necessary in such trade or industry or sub-division thereof to effectuate the policy of this act; * * *.

Where no such mutual agreement has been approved by the governor he may investigate the labor practices, policies, wages, hours of labor, and conditions of employment in such trade or industry or subdivision thereof; and upon the basis of such investigations, and after such hearings as the governor finds advisable, he is authorized to prescribe a limited code of fair competition fixing such maximum hours of labor, minimum rates of pay, and other conditions of employment in the trade or industry or subdivision thereof investigated as he finds to be necessary to effectuate the policy of this act, * * *.”

From the above it would appear that the governor in order to prescribe a code of fair competition fixing maximum hours of labor, minimum rates of pay and other conditions of employment in any trade or industry, is invested with the power to investigate conditions of employment in such trade or industry, that such power vested in the governor may be by him delegated to the Department of Industrial Relations and when so delegated the Department of Industrial Relations could cause such investigations to be made.

Therefore, in specific answer to your question, I am of the opinion that if the governor by virtue of the authority granted him in section 2 of the Ohio Recovery Act has delegated to the Department of Industrial Relations his power to investigate labor practices and conditions of employment in any trade or industry, the chief inspector of workshops and factories and district inspectors have authority to administer oaths and take affidavits in their investigation of matters under the Ohio Recovery Act.

Respectfully,

JOHN W. BRICKER,
Attorney General.

3231.

APPROVAL, CORRECTED ABSTRACT OF TITLE TO LAND IN GALLIPOLIS TOWNSHIP, GALLIA COUNTY, OHIO.

COLUMBUS, OHIO, September 19, 1934.

HON. T. S. BRINDLE, *Superintendent of Public Works, Columbus, Ohio.*

DEAR SIR:—There have been recently submitted for my examination and approval a corrected abstract of title, executor's and quit claim deeds, encumbrance record No. 3 and controlling board certificate relating to the proposed purchase by the State of Ohio of two parcels of land in Gallipolis Township, Gallia County, Ohio, said parcels containing 133 and 3 acres, respectively. These parcels of land which were owned of record by one Homer J. Ward at the time of his death on the 20th day of October, 1933, and which are being conveyed to the State of Ohio by the deed of Jennie R. Ward, as executor of the estate of Homer J. Ward, deceased, and by the quit claim deed of Jennie R. Ward, individually and as sole devisee of this property by the last will and testament of Homer J. Ward, are more particularly described by metes and bounds as follows:

Being two tracts of land situated in Section 23, of Gallipolis Township, Township 3, Range 14, in the Ohio Company's Purchase, in Gallia County, Ohio, and more particularly described as follows:

TRACT NO. ONE: Beginning at a point on the West line of 8 acre Lot No. 1150 in Gallipolis Township, said county and state, and which is 3 chains and 30 links South of the Northwest corner of said lot; thence North 7 chains and 70 links to a corner on the line between 8 acre lots Nos. 1149 and 1157; thence South 39 1/2° East 5 chains and 84 links to the line of the Hocking Valley Railway property; thence along said railroad property South 53 3/4° West 4 chains and 60 links to the place of beginning, containing one and thirty-three hundredths (1.33) acres. EXCEPTING a right of roadway through the above described land to the streets of Maple Shade.

TRACT NO. TWO: Beginning 4 chains and 40 links North of the Southwest corner of Eight acre lot No. 1149 in Section 23, Town No. 3, in Range No. 14, in the Ohio Company's Purchase, in the North corner of a tract of one and thirty-hundredths (1.30) acres, formerly owned by the Gallipolis Drain Tile Company; thence North 54 1/2° E.