

2459.

APPROVAL, DEFICIENCY BONDS OF WEST JEFFERSON VILLAGE
SCHOOL DISTRICT IN AMOUNT OF \$10,500.

COLUMBUS, OHIO, October 10, 1921.

Department of Industrial Relations, Industrial Commission of Ohio, Columbus, Ohio.

Re: Deficiency bonds of West Jefferson village school district in the amount of \$10,500, being 17 bonds of \$500 each and 2 bonds of \$1,000 each—6 per cent.

GENTLEMEN:—I have examined the transcript of the proceedings of the board of education and other officers of the West Jefferson village school district, relative to the above bond issue, and find the same regular and in conformity with the provisions of the General Code.

In approving the bonds under consideration, I wish to call your attention to the fact that the resolution authorizing the issuance of the bonds has been amended since the same were purchased by the commission so that under the amendment the bonds fall due as follows:

One bond of \$500 falling due on the first day of April and October of each year, commencing October 1, 1922, and ending April 1, 1930, and one bond of \$1,000 falling due October 1, 1930; one bond of \$1,000 falling due April 1, 1931.

This change in the bond resolution was necessary in order to comply with the General Code requiring such bonds to fall due within ten years from the date of issuance.

I am of the opinion that said bonds, drawn in accordance with the legislation authorizing their issuance, will, upon delivery, constitute valid and binding obligations of said school district.

Respectfully,
JOHN G. PRICE,
Attorney-General.

2460.

ROADS AND HIGHWAYS—WHERE COUNTY COMMISSIONERS ELECT
TO DO ROAD WORK—NOT AUTHORIZED TO EMPLOY ROAD FORE-
MAN.

Where county commissioners have elected to do road work by force account they are not authorized by section 6948-1 G. C. or otherwise to employ a road foreman to take charge of the work, but they must proceed as defined in sections 7198 G. C. et seq.

COLUMBUS, OHIO, October 11, 1921.

HON. LLOYD S. LEECH, *Prosecuting Attorney, Coshocton, Ohio.*

DEAR SIR:—Your letter of September 22nd, is received relative to the matter of force account work. The substance of your inquiry is whether the county commissioners may, on the one hand, under section 6948-1 employ a road foreman to do work; or whether on the other hand, the work is merely to be designated by the board of county commissioners, leaving the actual

performance to be carried out by and under the supervision of the county surveyor.

The whole subject of force account work was dealt with at considerable length in two recent opinions of this department of date September 10, 1921, being opinions Nos. 2411 and 2412, directed respectively to Hon. John R. King, prosecuting attorney, Columbus, Ohio, and Hon. Walter B. Moore, prosecuting attorney, Woodsfield, Ohio. Copies of these opinions are enclosed. It is believed that you will find that they practically answer the question you have in mind. However, it may be added that, as noted in opinion No. 2411, section 6948-1 is a statute of limited application, and merely authorizes the county commissioners to adopt the force account method instead of the contract method of completing road projects formally undertaken under sections 6906 et seq. So far then as the actual carrying out of the force account project is concerned, reference must be had to sections 7198 et seq. Moreover, you will find that sections 7184 and 7192 give the surveyor general charge of the construction, reconstruction, improvement, maintenance and repair of all bridges and highways under the jurisdiction of the county commissioners.

Under these conditions, it is perfectly plain that your county commissioners are not at liberty to employ a road foreman for force account work, but must follow the procedure outlined in section 7198 G. C.

Respectfully,

JOHN G. PRICE,

Attorney-General.

2461.

PROHIBITION—WHAT ALCOHOLIC MEDICINAL PREPARATIONS PHYSICIANS MAY PRESCRIBE—AUTHORITY OF DRUGGISTS TO USE AND DISPENSE INTOXICATING LIQUORS—SHERRY WINE IS MEDICINAL PREPARATION FIT FOR BEVERAGE PURPOSES.

1. *Under the provisions of section 6212-15a G. C. a physician duly qualified as such under the national prohibition act, may within the limitations of the federal and state prohibition laws prescribe alcoholic medicinal preparations listed in the United States Pharmacopoeia or National Formulary when held by the prohibition commissioner to be fit for beverage purposes.*

2. *Druggists who have properly qualified to use and dispense intoxicating liquors under the national prohibition act may within the limitations of the national and state prohibition acts use and dispense alcoholic medicinal preparations listed in the National Formulary when held by the prohibition commissioner to be fit for beverage purposes.*

3. *Sherry wine is an alcoholic compound listed in the United States Pharmacopoeia and National Formulary as a medicinal preparation, and has been held by the prohibition commissioner to be fit for beverage purposes.*

COLUMBUS, OHIO, October 11, 1921.

HON. DON. V. PARKER, *Prohibition Commissioner, Columbus, Ohio.*

DEAR SIR:—Your recent communication reads:

“I would like an opinion from your department on section 6212-15a of the General Code, this being part of the McCoy bill, as to the