

ing and to furnish such parts as may be required to keep such elevators in complete and proper order for the purposes for which they are to be used during the remainder of this calendar year.

Upon consideration of the contract form submitted and of the purpose to be served by the same, I am of the opinion that you are authorized to enter into this contract on behalf of the State under the general authority conferred upon you by section 154-40, General Code, to make contracts for the repair of buildings under the control of the state government or any department thereof, and to exercise general custodial care of all buildings of the State other than educational institutions administered by boards of trustees.

In view of the fact that the proposed contract is one for maintenance and is primarily one for personal service to be furnished by the Otis Elevator Company in carrying out the provisions of the contract on its part to be performed, I am inclined to the view that the provisions of section 2314, et seq., General Code, relating to building contracts generally, do not apply to a contract of this kind. As to this, I am advised, however, that the Controlling Board, acting under section 7 of the general appropriation act enacted as House Bill No. 699, has, within the last day or two, authorized you to enter into this contract without competitive bids therefor.

Of course, this contract cannot be entered into by you without an encumbrance record to be executed by the Director of Finance, as required by section 2288-2, General Code, certifying that there is a balance in the appropriation pursuant to which the obligation of this contract is to be paid, not otherwise obligated to pay precedent obligations. In the absence of a request therefor, I do not feel that it is incumbent upon me to advise the Director of Finance through this opinion or otherwise as to whether there is sufficient money in any particular appropriation item to the credit of your department out of which the obligations of this contract during the remainder of the year can be paid. As to this, it may be observed, however, that if sufficient money cannot be found in an item appropriate to the expenditures to be made under this contract, the Controlling Board under section 7 of the general appropriation act has the power to grant the necessary authority to your department to expend moneys appropriated to the credit of your department under other items within the classification of maintenance and to make the necessary transfers therefor.

I am, accordingly, approving the contract form submitted and I herewith return the same for such action in the premises as you may desire to take.

Respectfully,

JOHN W. BRICKER,  
*Attorney General.*

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2245.

APPROVAL—BOND OF SIXTY HIGHWAY PATROLMEN FOR THE  
FAITHFUL PERFORMANCE OF THEIR DUTIES.

COLUMBUS, OHIO, January 31, 1934.

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

DEAR SIR:—You have submitted for my approval a schedule bond upon which sixty highway patrolmen, appointed under section 2 of House Bill No. 270

(115 O. L. 93), 90th General Assembly, regular session, are principals and the New York Casualty Company is surety.

Said bond is entered into pursuant to the provisions of section 1181-2, General Code (section 2 of H. B. 270), which reads so far as pertinent as follows:

“\* \* \*

\* \* \*

\* \* \*

Each highway patrolman upon his appointment and before entering upon his duties shall \* \* \* execute a bond in the sum of twenty-five hundred (\$2500.00) dollars payable to the state and for the use and benefit of any aggrieved party who may have a cause of action against any such patrolman for misconduct while in the performance of his duties. \* \* \*

Finding said bond in proper legal form, in accordance with the foregoing statutory provision, I hereby approve said bond and am returning the same to you herewith.

Respectfully,

JOHN W. BRICKER,

*Attorney General.*

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2246.

APPROVAL—NOTES OF BEXLEY CITY SCHOOL DISTRICT, FRANKLIN COUNTY, OHIO—\$30,000.00.

COLUMBUS, OHIO, February 1, 1934.

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

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2247.

CHILDREN'S HOME—COMPENSATION OF SUPERINTENDENT AND MATRON FIXED BY BOARD OF TRUSTEES—COUNTY COMMISSIONERS REQUIRED TO APPROPRIATE FULL AMOUNT SO FIXED.

COLUMBUS, OHIO, February 1, 1934.

*SYLLABUS:*

*It is the duty of a board of county commissioners to appropriate from county funds the full amount of compensation for the superintendent and matron of a children's home as fixed by the board of trustees of the home.*

*Bureau of Inspection and Supervision of Public Offices, Columbus, Ohio.*

GENTLEMEN:—This will acknowledge receipt of your request for my opinion, which reads as follows: