

Reading these provisions with the last sentence of section 6911, the result is:

If bids have been taken on several plans, then the surveyor and county commissioners, *after the opening of bids*, must in the manner pointed out in the previous opinion agree as to which *plan and specification* will be adopted; whereupon the duty of the surveyor ends except as the county commissioners may at their option and in their discretion see fit to call on the surveyor for advice. The type of improvement having been selected through the medium of agreeing on plans and specifications in the manner aforesaid, the right, duty and responsibility pass to the commissioners of ascertaining the lowest and best bidder from among the bidders who may have submitted proposals on the particular type of improvement selected. It is for the commissioners to decide whether they will ask the surveyor to express his opinion as to who is the lowest and best bidder.

Respectfully,
 JOHN G. PRICE,
Attorney-General.

2206.

FISH AND GAME—HUNTERS' LICENSES—SHOULD BE ISSUED FROM OFFICE OF CLERK OF COURTS, NOT PRIVATE PLACE OF BUSINESS.

Hunters' licenses should be issued from the office of the clerk of courts and not from a private place of business, since the placing of a deputy in a private place of business, to issue hunters' licenses, would be against public policy and unauthorized by law.

COLUMBUS, OHIO, June 29, 1921.

HON. LAWRENCE H. WEBBER, *Prosecuting Attorney, Elyria, Ohio.*

DEAR SIR:—Acknowledgment is made of the receipt of your request for the opinion of this department upon the following statement of facts:

“Our clerk of courts has asked me to write you for your opinion with reference to the following proposition:

He wishes to know if it would be legal for him to appoint a man who is a clerk in one of the local hardware stores doing a big business in the sale of fire arms and sporting goods, as a deputy for the purpose only of issuing hunting licenses. Very often it is quite an accommodation for a man, especially during the rush at the opening of rabbit season, to get his license in the evening at some store when the court house is closed. This would be with the understanding that the man who issued the licenses would receive no compensation for so doing, but the county would take in all of the money, the same as it does in the clerk's office and an accounting would be made to the clerk by his deputy at stated periods.”

Pertinent sections of the law are 1432, 1433, 2871, 2981 and 2983 of the General Code.

From a reading of the statutes above quoted, it is apparent that the clerk of the courts can appoint as many deputies as might be needed and it is

within his power to detail such deputies on any particular kind of work in his office, all appointments, of course, to be approved by the court of common pleas. Each deputy so appointed has authority to act in the place of the clerk of courts in the matter of the issuing of hunters' licenses, but nowhere in the law is there found any authority for the clerk of courts to appoint a deputy and have him stationed outside of the court house in the performance of his duties.

You are therefore advised that hunters' licenses should be issued from the office of the clerk of courts and not from a private place of business, since the placing of a deputy in a private place of business, to issue hunters' licenses, would be against public policy and unauthorized by law.

Respectfully,

JOHN G. PRICE,
Attorney-General.

2207.

COUNTY CHILDREN'S HOME—AUTOMOBILE TRUCK MAY LAWFULLY BE PURCHASED FOR USE OF SUPERINTENDENT OF SAID HOME.

Under the provisions of sections 3104 and 3105 G. C. the trustees of county children's homes, may lawfully purchase, when they deem it expedient, an automobile truck for the use of the superintendent of said home, provided the estimate and appropriation for such purchase are made in conformity to the requirements of said sections.

COLUMBUS, OHIO, June 29, 1921.

HON. C. A. WELDON, *Prosecuting Attorney, Circleville, Ohio.*

DEAR SIR:—You have recently submitted to this department the following inquiry:

“Will you please advise me whether the board of trustees, or the board of county commissioners, or either of said boards have the right to purchase an automobile truck for the use of the superintendent of the County Children's Home. The truck would be used in conveying supplies to and from the home by the superintendent when occasion demanded only.”

In answer to the question presented by your inquiry, attention is called to a former opinion of this department, to-wit, Opinion No. 86 Opinions of the Attorney-General, 1919, Vol. I, page 148, holding that sections 3077 to 3108 G. C. do not authorize the board of trustees of the children's home to purchase an automobile for the use of the superintendent thereof.

Two other opinions of this department may also be said to be in point: Opinions of Attorney-General, 1913, Vol. III, page 1360, holding that the county commissioners may not purchase an automobile for the use of the county surveyor in the absence of express legislative enactment; also Opinions of Attorney-General, 1914, Vol. I, page 520, holding that the words “other equipment necessary for the proper discharge of their duties” did not give authority to county commissioners to purchase automobiles for the use of district assessors in the performance of their official duties.