

4766.

APPROVAL, CONTRACT BETWEEN THE STATE OF OHIO AND THE HAVERLAND ELECTRIC COMPANY, HAMILTON, OHIO, FOR ELECTRIC WORK ON FOOD SERVICE BUILDING, MIAMI UNIVERSITY, OXFORD, OHIO, AT AN EXPENDITURE OF \$5,909.50—SURETY BOND EXECUTED BY THE OHIO CASUALTY INSURANCE COMPANY OF HAMILTON, OHIO.

COLUMBUS, OHIO, November 25, 1932.

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

DEAR SIR:—You have submitted for my approval a contract between the State of Ohio, acting by the Department of Public Works, for the Board of Trustees of Miami University, Oxford, Ohio, and the Haverland Electric Company of Hamilton, Ohio. This contract covers the construction and completion of contract for electric work on a building known as Food Service Building, Miami University, Oxford, Ohio, in accordance with Item M-3, Item M-23 (Alternate M-L) Item M-24 (Alternate M-M) and Item M-25 (Alternate M-N) of the form of proposal dated July 18, 1932. Said contract calls for an expenditure of five thousand nine hundred and nine and fifty one-hundredths dollars (\$5,909.50).

You have submitted the certificate of the secretary of the board of trustees of Miami University to the effect that there is available moneys from receipts of the boarding department of Miami University sufficient to cover the cost of erection of a food service building. You have also shown that the executive committee of the board of trustees of Miami University has authorized the construction of said building. In addition, you have submitted a contract bond upon which the Ohio Casualty Insurance Company of Hamilton, Ohio, appears as surety, sufficient to cover the amount of the contract.

You have further submitted evidence indicating that plans were properly prepared and approved, notice to bidders was properly given, bids tabulated as required by law and the contract duly awarded. Also it appears that the laws relating to the status of surety companies and the workmen's compensation act have been complied with.

Finding said contract and bond in proper legal form, I have this day noted my approval thereon and return the same herewith to you, together with all other data submitted in this connection.

Respectfully,
GILBERT BETTMAN,
Attorney General.

4767.

COUNTY COMMISSIONERS—MAY PAY EXPENSES OF THE RETURN OF PRISONERS COMMITTED TO MUNICIPAL WORKHOUSE IN ANOTHER COUNTY.

SYLLABUS:

County commissioners, under the authority of section 4141, General Code, may enter into a contract for the commitment of prisoners from such county to

a municipal workhouse located in another county and provide in such contract for the payment of the expense of the return of such prisoners to the county of commitment.

COLUMBUS, OHIO, November 28, 1932.

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

GENTLEMEN:—Your recent request for my opinion reads as follows:

“May the county commissioners of a county, under the provisions of Section 4141 of the General Code, legally make a contract with the authorities of a City Workhouse, whereby the commissioners agree to pay the expense of the return of the prisoner to the county from which the prisoner is sent.”

Section 4141, General Code, provides:

“Any city or district having a workhouse, may receive as inmates thereof persons sentenced or committed thereto, as provided by law, from counties other than the one in which such workhouse is situated, upon such terms and during such length of time as agreed upon by the commissioners of such counties, or by the council of such municipality, and the council of the city, or the board of the district workhouse, or other authority having the management and control of such workhouse. Convicts so received shall in all respects be and remain under the control of such director or board of workhouse directors, and subject to the rules, regulations and discipline of such workhouse, the same as other convicts therein detained.”

It should be noted that the above section specifically provides that prisoners may be received upon such terms and conditions as the county commissioners and the authorities having the management and control of such workhouse may agree.

An examination of the statutes discloses no specific provision authorizing the payment of the transportation of an inmate of a municipal workhouse to the county of commitment where the county of commitment is other than the county in which such workhouse is situated.

It is a well known principle of law that a board of county commissioners is limited in authority to the exercise of such powers as are conferred upon it and such implied powers as are necessary to carry the express powers into effect.

In the instant situation, it would seem that the county commissioners have implied authority to carry into effect the terms of a contract made under authority of section 4141, General Code. It follows that if the authorities of the municipal workhouse desire to provide as one of the terms of such contract that the expense or transportation to the county of commitment at the expiration of a sentence of a person committed to such workhouse be furnished by such county of commitment, the same would be a reasonable provision.

It should be noted that transportation of such prisoners to the county of commitment after discharge, is not necessarily for the benefit of the prisoner since such a provision would tend to relieve the municipality, in which such workhouse is located, of discharged prisoners who are residents of foreign counties.

In view of the foregoing, and in specific answer to your inquiry, I am of the opinion that county commissioners, under the authority of section 4141, General Code, may enter into a contract for the commitment of prisoners from such county

to a municipal workhouse located in another county and provide in such contract for the payment of the expense of the return of such prisoners to the county of commitment.

Respectfully,
GILBERT BETTMAN,
Attorney General.

4768.

APPROVAL, BONDS OF CITY OF BEDFORD, CUYAHOGA COUNTY,
OHIO—\$3,000.00.

COLUMBUS, OHIO, November 28, 1932.

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

4769.

APPROVAL, BONDS OF BATH TOWNSHIP RURAL SCHOOL DISTRICT,
SUMMIT COUNTY, OHIO—\$2,000.00.

COLUMBUS, OHIO, November 28, 1932.

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

4770.

APPROVAL, LEASE TO STATE RESERVOIR LAND AT BUCKEYE LAKE,
OHIO, FOR RIGHT TO USE AND OCCUPY FOR COTTAGE SITE
PURPOSES ONLY—HARRY L. SAMUELS.

COLUMBUS, OHIO, November 29, 1932.

HON. EARL H. HANEFELD, *Director, Department of Agriculture, Columbus, Ohio.*

DEAR SIR:—This is to acknowledge receipt of a recent communication from the Chief of Bureau of Inland Lakes and Parks in your department, submitting for my examination and approval a certain reservoir land lease, in triplicate, which is executed by the Conservation Commissioner on behalf of the State of Ohio, by which there is leased and demised to one Harry L. Samuels, 1662 Frankl'n Avenue, Columbus, Ohio, the right to use and occupy for cottage site purposes only a certain parcel of State land at Buckeye Lake.

This lease, which calls for an annual rental of \$53.00, is for a term of fifteen years and is granted subject to the conditions and restrictions usually found in leases of this kind.

Upon examination of said lease, I find that the same has been properly executed in accordance with the authority conferred upon the Conservation Com-