

It is assumed from your communication that you desire to know whether or not the new form meets the requirements of Section 1206 of the General Code, which outlines the method of procedure to govern your action in connection with the awarding of contracts. The section requires the advertisement for bids for two consecutive weeks in two newspapers of general circulation and of the two dominant political parties published in the county in which the improvement, or some part thereof, is located, if there be such papers so published. If there be no such papers then the statute requires the advertisement to be made in two newspapers having general circulation in said counties. The section also authorizes the director to advertise for bids in such other publications as he deems advisable. The following, which is the only language in said section which definitely relates as to what the notice shall contain, reads:

“Such notices shall state that plans and specifications for the improvement are on file in the office of such director and the resident district deputy director of the district in which such improvement, or some part thereof, is located, and the time within which bids therefor will be received.”

While there are other provisions of said section it is believed that the foregoing will suffice for the purposes of this opinion.

The form of advertisement which you now contemplate using indicates the time within which bids will be received and describes the improvement with reference to the number of the highway and the county in which the said improvement is to take place and further describes the same, of course, by reference to the plans and specifications which are on file.

This is probably a sufficient description of the improvement, if at the time of publishing such notice only one portion of State Highway No. 50 is to be improved in Fayette County. Of course if two portions of this highway were being improved in that county at the time of publication of the notice submitted, and each portion were to be improved under separate contract, the notice would not comply with the portion of Section 1206, hereinabove quoted. In the absence of any information to the contrary I assume that when an advertisement such as the one you submit is used, there is only one improvement under way upon the specified highway in a given county, and predicate my conclusion herein upon that assumption.

While I am not passing upon the policy of using the short form which you submit, upon examination it is believed that it contains all of the essential requirements of the statute.

Respectfully,  
GILBERT BETTMAN,  
*Attorney General.*

2059.

APPROVAL, CONTRACT BETWEEN STATE OF OHIO AND MIDDLE STATES CONSTRUCTION COMPANY, FOR CONSTRUCTION AND COMPLETION OF OHIO STATE ARMORY AT PIQUA, OHIO, AT AN EXPENDITURE OF \$63,381.00—SURETY BOND EXECUTED BY THE FIDELITY AND CASUALTY COMPANY OF NEW YORK.

COLUMBUS, OHIO, July 7, 1930.

HON. ARTHUR W. REYNOLDS, *Adjutant General, Columbus, Ohio.*

DEAR SIR:—You have submitted for my approval a contract between the State of Ohio, acting by and through Arthur W. Reynolds, Adjutant General and Director

of State Armories, and The Middle States Construction Company, a corporation, Columbus, Ohio. This contract covers the construction and completion of the Ohio State Armory to be erected at Piqua, Ohio, and calls for an expenditure of sixty-three thousand three hundred and eighty-one dollars (\$63,381.00).

You have submitted the certificate of the Director of Finance to the effect that there are unencumbered balances legally appropriated in a sum sufficient to cover the obligations of the contract. You have also furnished evidence to the effect that the consent of the Controlling Board to the expenditure has been obtained, as required by Section 11 of House Bill No. 510 of the 88th General Assembly. In addition you have submitted a contract bond, upon which the Fidelity and Casualty Company of New York 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.*

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2060.

APPROVAL, BONDS OF VILLAGE OF FREDERICKTOWN, KNOX COUNTY, OHIO—\$6,840.66.

COLUMBUS, OHIO, July 7, 1930.

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

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2061.

FLOOD METHOD—FOR RECOVERY OF OIL—ILLEGAL—METHODS FOR PREVENTION OF PRACTICE AND HOW CRIMINAL PROSECUTION INSTITUTED.

**SYLLABUS:**

1. *By virtue of the provisions of Section 973 of the General Code, the use of the flood method for producing oil in the coal bearing or coal producing townships is prohibited, and by virtue of the provisions of Sections 6311 and 6312, General Code, the flood method used for the production of oil is prohibited as to oil wells outside of the coal bearing or coal producing townships.*

2. *By virtue of the provisions of Section 914 of the General Code, the chief oil inspector may issue any instructions and regulations to deputy oil inspectors to prevent and stop the use of the flood method for the recovery of oil from oil wells in coal*