

270.

APPROVAL, BONDS OF VILLAGE OF BEACHWOOD, CUYAHOGA COUNTY,
OHIO—\$98,784.00.

COLUMBUS, OHIO, April 2, 1927.

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

271.

FORCE ACCOUNT—ROADS, BRIDGES, AND CULVERTS—COUNTY SURVEYOR WHEN AUTHORIZED BY COUNTY COMMISSIONERS MAY EMPLOY SUCH LABORERS AND TEAMS AS MAY BE NECESSARY—DEFINITION OF "LABORER".

SYLLABUS:

1. *In the construction, reconstruction, improvement, maintenance or repair of roads, bridges and culverts by force account, the county surveyor may when authorized by the county commissioners, employ such laborers and teams as may be necessary.*

2. *The word "laborers" as used in Section 7198, General Code, should be liberally construed to effect the purpose intended, and includes such foremen, laborers, engineers, mechanics and other persons as may be necessary efficiently to accomplish the road work in question.*

COLUMBUS, OHIO, April 2, 1927.

HON. G. C. SHEFFLER, *Prosecuting Attorney, Fremont, Ohio.*

DEAR SIR:—I acknowledge receipt of your recent communication as follows:

"May the county commissioners under authority of G. C., Section 7198, employ superintendents and laborers to do maintenance or repairs on roads by force account, or must they authorize the county surveyor to employ such superintendents, laborers, etc., in order to get the work done?

Do you know any section of the Code that gives the county commissioners the right, or the county surveyor the right to employ superintendents or laborers by force account?

What I want to know is which one has the right, the commissioners or the surveyor, to make such employment?"

Section 7198 of the General Code provides as follows:

"The county surveyor *may* when authorized by the county commissioners *employ such laborers and teams*, lease such implements and tools and purchase such material as may be necessary in the construction, reconstruction, improvement, maintenance or repair of roads, bridges and culverts *by force account.*" (*Italics the writer's.*)

You inquire whether under the provisions of the above quoted section the county