

any petition, or the township trustees, under certain conditions as hereinbefore set out, may file their application for state aid in the construction, improvement, maintenance or repair of an inter-county highway, with the Director of Highways and Public Works, and it becomes the duty of the Director of Highways and Public Works to take some action thereon.

In this instance, it is the filing of a proper application for state aid, by the county commissioners, or, under certain circumstances, by the township trustees, with the Director of Highways and Public Works, that initiates or starts the pending of the proceedings.

In passing, it is deemed pertinent to say that the proceedings, being once pending, continue to pend until the final determination thereof. The proceedings may be determined by the final completion thereof or at various stages of the proceedings, as, for instance, should the county commissioners, upon a petition being filed by the land owners and upon investigation and consideration be of the opinion that the improvement would not be for the public interest, the proceedings would be terminated.

In conclusion, I am of the opinion, and you are advised, that if, in the one instance, the requisite number of land owners, prior to June 17, 1923, filed with the county commissioners a proper petition for the construction, improvement, maintenance or repair of an inter-county highway, or, in the other instance, should the county commissioners or the township trustees, under conditions as hereinbefore pointed out, prior to June 17, 1923, have filed with the Director of Highways and Public Works an application for state aid in the construction, improvement, maintenance or repair of an inter-county highway, the proceedings in either instance have proceeded to an extent where it may be said that they were on said date a pending proceedings within the contemplation of Section 26 of the General Code, and the budget commission would be entitled to place a levy for the township's share of such inter-county highway, outside of all limitations, as was authorized by Section 1222 of the General Code, prior to the amendment of said section, which amendment became effective June 17, 1923.

Respectfully,
C. C. CRABBE,
Attorney General.

1603.

APPROVAL, CONTRACT BETWEEN STATE OF OHIO AND THE CARSON-PAYSON COMPANY OF DANVILLE, ILLINOIS, FOR CONSTRUCTION AND COMPLETION OF COMBINED PLUMBING AND HEATING CONTRACT FOR RECITATION BUILDING, MIAMI UNIVERSITY, AT COST OF \$21,620.00.—SURETY BOND EXECUTED BY THE NATIONAL SURETY COMPANY.

COLUMBUS, OHIO, July 10, 1924.

HON. L. A. BOULAY, *Director, Department of Highways and Public Works, Columbus, Ohio.*

Dear Sir :—

You have submitted for my approval contract between the State of Ohio, acting

by the Department of Highways and Public Works, and The Carson-Payson Company of Danville, Illinois. This contract covers the construction and completion of combined plumbing and heating contract for Recitation Building, Miami University, and calls for an expenditure of \$21,620.00.

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. There has further been submitted a contract bond upon which the National Surety Company 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 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,
C. C. CRABBE,
Attorney General.

1604.

APPROVAL, FINAL RESOLUTIONS, ROAD IMPROVEMENTS IN THE FOLLOWING COUNTIES: HANCOCK, CUYAHOGA, MEIGS, WAYNE, MERCER, (2) PICKAWAY, PREBLE, LORAIN, COLUMBIANA, BUTLER, AUGLAIZE AND NOBLE.

COLUMBUS, OHIO, July 10, 1924.

Department of Highways and Public Works, Division of Highways, Columbus, Ohio.

Respectfully,
C. C. CRABBE,
Attorney General.