

the mere entry by the County Recorder of the date of the re-filing upon the margin of the original filing record, would not be sufficient. In addition, the County Recorder should re-index the names of all the parties to the instrument.

Your second question relative to how long a County Recorder is required to keep chattel mortgages in his office, after the date of filing or re-filing, before disposal of or destroying them, is specifically covered by the Amendment of Section 8565, General Code, supra (116 O. L. p. 324). This section was amended at the recent session of the legislature by the addition of the following language:

“\* \* \* Six years after the time for re-filing chattel mortgages has expired the county recorder may destroy such mortgages.”

This provision was inserted because of the lack of space in some counties to keep these old chattel mortgages after the time for re-filing had expired. Since these mortgages may be destroyed at the end of six years from the time such mortgages could be re-filed, it would logically follow that the County Recorder must wait six years from the date for re-filing a mortgage before the same may be legally destroyed.

Summarizing, and in specific answer to your inquiries, it is my opinion:

1. Where a chattel mortgage is properly re-filed, it is the duty of the County Recorder, in addition to entering the date of re-filing upon the margin of the original filing record, to re-index and re-enter the names of all the parties to the instrument in the same manner as if a new chattel mortgage were filed.
2. The County Recorder is required to keep chattel mortgages in his office until six years after the time for re-filing such mortgages has expired.

Respectfully,

JOHN W. BRICKER,  
*Attorney General.*

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4915.

SURVEYOR—PRACTICING AS PROFESSIONAL ENGINEER  
WHEN—LICENSED BY STATE BOARD OF REGISTRA-  
TION FOR PROFESSIONAL ENGINEERS AND SURVEYORS  
WHEN.

*SYLLABUS:*

1. *Any county surveyor elected in 1932 and who assumed office the first Monday in January, 1933 and continued as such officer until September*

27, 1933, *was engaged in the practice of professional engineering within the meaning of Section 1083-12, General Code.*

2. *If such county surveyors meet all the other qualifications of Section 1083-12, General Code, and filed their applications prior to March 26, 1935, it is mandatory that the State Board of Registration for Professional Engineers and Surveyors license them as professional engineers.*

COLUMBUS, OHIO, November 20, 1935.

MR. PERRY T. FORD, *Secretary, State Board of Registration for Professional Engineers and Surveyors, Columbus, Ohio.*

DEAR SIR:—I am in receipt of your communication, which reads as follows:

“The State Board of Registration for Professional Engineers and Surveyors would like your opinion on Section 1083-12 G. C. as to whether or not County Surveyors elected in 1932 assuming office the first Monday in January 1933, shall be regarded as being in ‘active practice’ of engineering work on September 26, 1933 when the Engineers Registration Law became effective.

Is it mandatory that the State Board of Registration license such applicants under the provisions of the Section referred to without regard to qualifications providing his application was filed with the Board prior to March 26, 1935, which marks the expiration date referred to in Section 1083-12?”

Section 1083-12 of the Engineers and Surveyors Act, provides as follows:

“At any time within eighteen months after this act becomes effective, upon due application therefor and the payment of the registration fee of fifteen (\$15.00) dollars for professional engineers, or ten (\$10.00) dollars for surveyors, the board shall issue a certificate of registration, without oral or written examination, to any professional engineer or surveyor who shall submit evidence, under oath, satisfactory to the board that he is of good character, has been a resident of the state of Ohio for at least one year immediately preceding the date of his application, *and was practicing professional engineering, if an engineer, or surveying, if a surveyor, at the time this act became effective*, or has had previous practice and responsible charge of work of a character satisfactory to the board.

After this act shall have been in effect eighteen months, the board shall issue certificates of registration only as provided for in section 13 or section 21 thereof.” (Italics the writer’s).

The Act setting up the State Board of Registration for Professional Engineers and Surveyors became effective on September 27, 1933.

The practice of professional engineering, is defined in the following language in Section 1083-2, General Code:

“\* \* \*

\* \* \*

\* \* \*

The practice of professional engineering within the meaning and intent of this act includes any professional service, such as consultation, investigation, evaluation, planning, design, or *responsible supervision of construction or operation, in connection with any public or privately owned public utilities, structures, buildings, machines, equipment, processes, works or projects* wherein the public welfare, or the safeguarding of life, public health or property is concerned or involved, when such professional service requires the application of engineering principles and data.

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\* \* \*”

(Italics the writer's).

Section 2792 and 2793, General Code, relative to the duties of County Surveyors (now designated County Engineers), read in part as follows:

“Sec. 2792:

*The County Surveyor shall perform all duties for the county now or hereafter authorized or declared by law to be done by a civil engineer or surveyor. He shall prepare all plans, specifications, details, estimates of cost, and submit forms of contracts for the construction or repair of all bridges, culverts, roads, drains, ditches and other public improvements, except buildings, constructed under the authority of any board within and for the county. When required by the county commissioners, he shall inspect all bridges and culverts, and on or before the first day of June of each year report their condition to the commissioners.* \* \* \*

Sec. 2793:

The county surveyor shall be responsible for the inspection of all public improvements made under authority of the board of county commissioners. He shall keep in suitable books a complete record of all estimates and summaries of bids received and contracts for the various improvements, together with the record of all estimates made for payments on the work. He shall make all surveys required by law to be made and perform all necessary services to be performed

by a surveyor *or civil engineer* in connection with the construction, repair or opening of all county roads, turn pikes, or ditches constructed under the authority of the board of county commissioners and shall perform such other duties as such board from time to time requires." (Italics the writer's).

It is apparent from the reading of the above sections that the performance of the statutory duties of a county engineer involves the practice of professional engineering. By Section 2793, General Code, *supra*, he shall perform "all necessary services to be performed by \* \* \* a civil engineer". Even in the absence of such an express statutory provision, from a recital of the duties appertaining to his office, it appears that an extensive knowledge of the principles of engineering and the proper application thereof, are involved in the performance of the duties of what was formerly designated as a "county surveyor". Many of these duties imposed by these statutes require the performance of service within the definition of the practice of professional engineering contained in Section 1083-2, General Code, *supra*.

This reasoning is further supported by the enactment of House Bill No. 97 by the 91st General Assembly in its regular session (116 O. L. 283) wherein supplemental Section 2782-1, General Code, was enacted and Section 2783, General Code, was amended to read as follows:

"Sec. 2782-1:

The title of county surveyor shall be changed to that of county engineer. Wherever the words 'county surveyor' are found in any section of the General Code, not herein amended or repealed, they shall, after the taking effect of this act, be read 'county engineer'.

Sec. 2783:

No person holding the office of clerk of court, sheriff, county treasurer or county recorder, shall be eligible to the office of county engineer. In all counties no person shall be eligible as a candidate for the office of county engineer or be elected or appointed thereto, except a registered professional engineer and registered surveyor licensed to practice in the state of Ohio."

Construing House Bill 97 it was held in my opinion No. 4885, rendered November 12, 1935, as disclosed by the first branch of the syllabus:

"1. Under the provisions of Section 2783, General Code, as

amended by House Bill No. 97, enacted at the regular session of the 91st General Assembly, (116 O. L. 283) in order to be eligible as a candidate or to be elected to the office of county engineer, it is necessary for a person to be both a registered professional engineer and a registered surveyor."

The change in the title of the office from "county surveyor" to "county engineer" and the requirement that this officer be both a registered professional engineer and registered surveyor, is a clear legislative recognition of the fact that the proper discharge of the duties of this office involve in substantial measure the application of engineering principles.

Consequently, in specific answer to your inquiry, it is my opinion that:

1. Any county surveyor elected in 1932 and who assumed office the first Monday in January, 1933 and continued as such officer until September 27, 1933, was engaged in the practice of professional engineering within the meaning of Section 1083-12, General Code.

2. If such county surveyors met all the other qualifications of Section 1083-12, General Code, and filed their applications prior to March 26, 1935, it is mandatory that the State Board of Registration for Professional Engineers and Surveyors license them as professional engineers.

Respectfully,

JOHN W. BRICKER,  
*Attorney General.*

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4916.

APPROVAL, DEED GRANTING TO THE CHESAPEAKE AND  
OHIO RAILWAY COMPANY OF RICHMOND, VA. LAND  
IN BLOOM TOWNSHIP, FAIRFIELD COUNTY, OHIO.

COLUMBUS, OHIO, November 21, 1935.

HON. JOSEPH T. TRACY, *Auditor of State, Columbus, Ohio.*

DEAR SIR:—You have submitted for my approval a Governor's Deed, executed by the Governor and countersigned by George S. Myers, Secretary of State, under date of November 15, 1935, granting to The Chesapeake and Ohio Railway Company of Richmond, Virginia, certain premises therein described in Fairfield County, Bloom Township, Ohio, and being in Section 1, Township 14 north, Range 20 west, more particularly described in said deed, the consideration for said premises being the sum of \$250.00.

The record of the proceedings of the Governor, Attorney General and