

"After paying all horse, sheep, cattle, swine, mule and goat claims at the December session of the county commissioners, if there remain more than one thousand dollars of the dog and kennel fund arising from the registration of dogs and dog kennels for such year the excess at such December session shall be transferred and disposed of as follows: In a county in which there is a society for the prevention of cruelty to children and animals, incorporated and organized as provided by law, which has one or more agents appointed in pursuance of law, or any other society organized as provided by Sections 10062 to 10067, inclusive, of the General Code, that owns or controls a suitable dog kennel or place for the keeping and destroying of dogs which has one or more agents appointed and employed in pursuance of law, all such excess as the county commissioners deem necessary for the uses and purposes of such society by order of the commissioners and upon the warrant of the county auditor shall be paid to the treasurer of such society, and any surplus not so transferred shall be transferred to the county board of education fund at the direction of the county commissioners."

An examination of the above quoted sections discloses that no authority is therein given to a board of county commissioners to appropriate any portion of such fund to secure costs in a prosecution instituted under Section 5652-14, General Code.

It is my opinion that a board of county commissioners has no authority in law to appropriate money out of the dog and kennel fund or any other fund to secure costs in cases filed under Section 5652-14, General Code.

Respectfully,

EDWARD C. TURNER,
Attorney General.

521.

APPROVAL, CONTRACT BETWEEN THE STATE OF OHIO AND THE WORTHINGTON PUMP & MACHINERY CORPORATION OF CLEVELAND, OHIO, TO CONSTRUCT AIR COMPRESSORS AND LIFTS FOR THE INSTITUTION FOR FEEBLE-MINDED, COLUMBUS, OHIO, AT AN EXPENDITURE OF \$4,296.00—SURETY BOND EXECUTED BY THE UNITED STATES FIDELITY AND GUARANTY COMPANY.

COLUMBUS, OHIO, May 21, 1927.

HON. JOHN E. HARPER, *Director of Public Welfare, Columbus, Ohio.*

DEAR SIR:—You have submitted for my approval a contract between the State of Ohio acting by the Department of Public Welfare and the Worthington Pump and Machinery Corporation of Cleveland, Ohio. This contract covers the construction and completion of two (2) air compressors and lifts complete for the Institution for Feeble Minded, Columbus, Ohio, and calls for an expenditure of four thousand, two hundred and ninety-six dollars (\$4,296.00).

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 United States Fidelity and Guaranty 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,
EDWARD C. TURNER,
Attorney General.

522.

APPROVAL, ABSTRACT OF TITLE TO LAND IN LIBERTY TOWNSHIP, CRAWFORD COUNTY, OHIO, TO BE USED AS A FISH HATCHERY.

COLUMBUS, OHIO, May 21, 1927.

HON. CHAS. V. TRUAX, *Director of Agriculture, Columbus, Ohio.*

MY DEAR SIR:—Examination of encumbrance estimates 370 and 374, an abstract of title, and a copy of a deed covering premises which it is proposed that the State of Ohio purchase from J. B. Quaintance for a fish hatchery near Bucyrus, discloses the following:

The abstract under consideration has been prepared by Charles F. Matthews of Bucyrus, certified under date of February 3, 1927, but subsequently supplemented, and pertains to the following real estate in the County of Crawford and State of Ohio, Section 31, Township 2 S, Range 17 E, and

“Being that part of the northeast quarter and that part of the southeast quarter of Section 31 that lies south of the Plymouth State Road and north of the Sandusky River in the west half quarter of said Section 31.”

The deed copy, is certified by L. F. Battefeld as being a correct copy of the original deed executed by J. B. Quaintance and Cora E. Quaintance, his wife, and held for delivery upon the payment of the consideration named therein, for the following land, situate in the Township of Liberty, County of Crawford and State of Ohio, being a part of Section 31 and more particularly described as follows:

Beginning at a point in the center line of the Plymouth Road at the Northeast corner of the Quaintance Tract as shown of record in Deed Book 91, Page 272, thence with the center line of said road south fifty-eight degrees (58°) west four hundred and forty-three and one-tenths (443.1) feet to a point, thence on a line parallel to the east line and three