

as witness and one other elector as challenger, to attend at such election in behalf of such party. The judges of election in each ward or election precinct shall admit such witnesses and challengers so accredited into the polling room with themselves and the clerks at the ensuing election and place them so near to themselves and the clerks that they can fully and conveniently watch every proceeding of the judges and clerks from the time of opening to closing of the polls. No other person, except the witnesses and the judges and clerks of the election shall be admitted to the polling place after the closing of the polls until the counting, certifying and signing of the final returns of such election have been completed."

Section 4871 requires the registration of electors in all cities containing a population of one hundred thousand or more. It will be obvious that the city of Youngstown is a registration city.

In view of the foregoing it will be observed that the city of Youngstown in so far as your question is concerned, was in the same status as was the city of Columbus at the time of the rendering of the opinion referred to. It therefore follows that what was said with reference to the appointment of challengers in the Columbus case in the opinion above cited will be equally applicable to the question you present.

In view of the foregoing I am of the opinion that there is no authority under existing law whereby candidates for mayor of the city of Youngstown may appoint challengers to serve in an election.

Respectfully,

C. C. CRABBE,
Attorney General.

859.

APPROVAL, CONTRACT BETWEEN STATE OF OHIO AND WALTER L. FORD, COLUMBUS, OHIO, CONSTRUCTION AND COMPLETION OF ALL CHANGES TO PENT HOUSE, WYANDOTTE BUILDING, COLUMBUS, OHIO, AT COST OF \$2,075.00—SURETY BOND EXECUTED BY THE ROYAL INDEMNITY COMPANY.

COLUMBUS, OHIO, November 3, 1923.

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 Walter L. Ford, of Columbus, Ohio. This contract covers the construction and completion of all changes to Pent House, Wyandotte Building, Columbus, Ohio, and calls for an expenditure of \$2,075.00.

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 Royal Indemnity Company appear as surety, sufficient to cover the amount of the contract.

You have submitted further evidence indicating that informal bids were taken and tabulated as required by law and contract was 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.

860.

ROADS—INTERCOUNTY HIGHWAY FUNDS ALLOTTED TO A COUNTY
MAY BE USED BY DEPARTMENT OF HIGHWAYS IN CONSTRUCTION
OF MAIN MARKET ROADS—SECTION 1231 G. C. CONSTRUED.

SYLLABUS:

Intercounty highway funds allotted to a county are available and may be used by the Department of Highways and Public Works in the construction by the state of main market roads in such county by force account, under section 1231 of the General Code of Ohio.

COLUMBUS, OHIO, November 5, 1923.

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

DEAR SIR:—Receipt is acknowledged of your recent communication in which you inquire whether or not the Department of Highways and Public Works may use intercounty highway funds in the construction of main market roads, in cooperation with the counties, through the employment of laborers and furnishing necessary equipment and purchasing material, without the award of a formal construction contract; all proceedings to be in accordance with section 1231 of the General Code.

It is assumed that by intercounty highway funds you refer to the use in a particular county of the share of the intercounty highway fund allotted to that county.

To arrive at a correct solution of your proposition, it is pertinent to keep in mind that while all the intercounty highways are not main market roads, all main market roads are intercounty highways; that is, the main market roads are located upon and along the route of a portion of the intercounty highways of the state Highways designated as main market roads are also intercounty highways.

It may be said that generally there are created by appropriation three highway funds: (a) Rotary fund, (b) intercounty highway fund, and (c) main market road fund. The rotary fund has its special purposes provided for by statute. The intercounty highway fund is created to be used in the construction, improvement, maintenance and repair of intercounty highways. The main market road fund is created to be used in the construction, improvement, maintenance and repair of main market roads.

Reference to the appropriation statutes will disclose that the appropriation for intercounty highways has reference to intercounty highways generally, and is not limited to those only which are not covered by main market roads.

Section 1231 of the General Code, to which you refer and from which you quote in your letter, provides, among other things, for the purchase of equipment and material, and the employment of the necessary labor, by the Director of High-