

1767.

APPROVAL, CONTRACT WITH THE WILLIAM H. CONKLIN COMPANY
FOR INSTALLATION OF RADIATORS IN STATE TREASURY.

COLUMBUS, OHIO, December 31, 1920.

HON. R. W. ARCHER, *Treasurer of State, Columbus, Ohio.*

DEAR SIR:—Acknowledgment is made of your letter dated January 6, 1921, transmitting the contract of The William H. Conklin Co., for the installation of radiators in the state treasury department for my approval.

Authority for the installation of new steel vaults in the state treasury is found in House Bill 610, 108 O. L., Part II, p. 1110. The purpose for which this appropriation is made is in part stated in that act as follows:

“For new steel vaults and necessary improvements incident thereto.”

My information is that the radiators referred to in the contract are necessary improvements incident to the installation of the new steel vaults and they are therefore within the purpose for which the appropriation was made.

It is noted also that the act provides that the purchase and installation of such vaults and improvements are exempted from the provisions of Chapter I, Title 9, first part, of the General Code of Ohio (Building Regulations, etc.), and that the contract price is within the appropriation and that the amount named, to-wit, \$420.00, is available as evidenced by the auditor's certificate hereto attached.

Further consideration of the form of the contract convinces me that it is in conformity to law and the same is therefore approved.

Respectfully,

JOHN G. PRICE,
Attorney-General.

1768.

DISAPPROVAL, BONDS OF PUTNAM COUNTY, OHIO, IN AMOUNT OF
\$83,600 FOR ROAD IMPROVEMENTS THROUGH VILLAGE OF
OTTOVILLE.

COLUMBUS, OHIO, December 31, 1920.

Industrial Commission of Ohio, Columbus, Ohio.

Re: Bonds of Putnam county in the amount of \$83,600, for the improvement of part of I. C. H. No. 435 through Ottoville corporation, 20 bonds of \$4,180.00.

GENTLEMEN:—I have examined the transcript of the proceedings of the county commissioners and other officers of Putnam county relative to the above bond issue and decline to approve the validity of said bonds for the following reasons:

(1) The road to be improved by the funds received from the bonds under consideration passes through the village of Ottoville and the portion of the road lying within the corporate limits of the village is to be improved to a greater width than that without the village. The transcript fails to show that proper proceed-

ings have been taken by the council of the village of Ottoville relative to authorizing and providing payment for the improvement to such additional width of the portion of the road within the village. Section 1193-2 G. C. specifies in detail, and in proper order as to time, the several steps necessary. Such proceedings of council should have been completed prior to the passage by the county commissioners of the resolution approving the surveys, plans, profiles, cross-sections, estimates and specifications for such improvement, whereas the transcript discloses that the first step taken by the village council relative to improving said road to such additional width was the resolution of council, passed by it on December 27, 1920. This being a resolution which involved the expenditure of money, it should have been passed only after being fully and distinctly read upon three different days or under suspension of such rule authorized by a three-fourths vote of all members elected to council. This resolution should also be published and being subject to the provisions of the referendum act, could not go into effect until thirty days after its passage. The transcript shows that this resolution was passed by a yea and nay vote and without suspension of the rules at its first reading, and since it was not passed until December 27, 1920, of necessity the requirements relative to its publication and to meet the requirements of the referendum act have not been complied with. The resolution of the county commissioners approving the surveys, plans, profiles, cross-sections, estimates and specifications for such improvement was adopted on December 28, 1920, one day after the passage of the resolution of council.

(2) The bond resolution of the county commissioners indicates (and I am informed by Mr. Moenter, county auditor of Putnam county, that such is the fact) that the county commissioners have included in the amount of the bond issue under consideration the estimated cost and expense of the two feet of additional width of improvement within the village of Ottoville authorized by its council. The amount of the cost and expense of this additional width of improvement should be paid to the county treasurer by the village (section 1193-2) prior to the construction of the improvement, and the county commissioners are without authority to issue bonds of the county to raise funds for that purpose.

For the reasons stated, I am of the opinion that said bonds are not valid and binding obligations of Putnam county and advise the industrial commission not to accept the same.

Respectfully,

JOHN G. PRICE,

Attorney-General.

1769.

WORKMEN'S COMPENSATION ACT—DOCK EMPLOYEES ARE IN MARITIME SERVICE AND SAID ACT IS NOT APPLICABLE TO THOSE SO ENGAGED—INDUSTRIAL COMMISSION WITHOUT AUTHORITY TO DISBURSE STATE INSURANCE FUND TO EMPLOYEES INJURED IN MARITIME SERVICE—DISCUSSION OF WAIVER OF CERTAIN RIGHTS BY EMPLOYEE IN MARITIME WORK WHERE COMPENSATION OBTAINED FROM STATE INSURANCE FUND.

1. *The work performed by employes of dock companies in unloading ore from lake vessels by machinery, or in loading coal on such vessels, or in loading coal on lighters thence to such vessels, or in loading coal on to tugs for vessel fuel,*