

Finding said leases to have been executed in proper legal form, I have accordingly endorsed my approval thereon as to form, and return the same herewith.

Respectfully,

GILBERT BETTMAN,
Attorney General.

3322.

APPROVAL, CONTRACT FOR ROAD IMPROVEMENT IN HURON COUNTY, OHIO.

COLUMBUS, OHIO, June 12, 1931.

HON. O. W. MERRELL, *State Highway Director, Columbus, Ohio.*

3323.

APPROVAL, BONDS OF GOSHEN RURAL SCHOOL DISTRICT, MAHONING COUNTY, OHIO—\$5,000.00.

COLUMBUS, OHIO, June 13, 1931.

Retirement Board, State Teachers Retirement System, Columbus, Ohio.

3324.

DISAPPROVAL, CONTRACT BETWEEN THE STATE OF OHIO AND J. A. HICKEY, INC., OF CLEVELAND, OHIO, FOR WATER SYSTEM FOR HAWTHORNDEN FARM, CLEVELAND STATE HOSPITAL, CLEVELAND, OHIO.

COLUMBUS, OHIO, June 13, 1931.

HON. JOHN MCSWEENEY, *Director of Public Welfare, Columbus, Ohio.*

DEAR SIR:—There has been submitted for my approval a contract between the State of Ohio, acting by yourself as Director of Public Welfare, and J. A. Hickey, Inc., of Cleveland, Ohio, for the completion of Water System for Hawthornden Farm, Cleveland State Hospital, Cleveland, Ohio.

Upon examination of the files submitted, I find that there are several errors in the papers. Also several essential documents are missing. The following is a summation of these errors and omissions:

1. In the five copies of the contract, there does not appear any total sum to be paid to the contractor.
2. The encumbrance estimate states the contract price to be \$17,813.00, yet the form of proposal would indicate the bid to be \$17,213.00, and the tabulation of bids lists the contractor's bid as \$17,840.00.
3. There is no form of notice to bidders.

4. While the encumbrance estimate purports to show release of funds for this project by the Controlling Board on April 13, and May 19, 1931, no copies of the certificates of the Controlling Board, signed by the president of the Controlling Board, are submitted in the files.

However, even though these omissions and errors should be corrected, no valid contract can be entered into with J. A. Hickey, Inc. I find that the certificate of the Auditor of State as to the filing of plans and specifications with his department, shows that said plans were filed in said department on May 12, 1931. The proof of publication indicates that the advertisement for bids was published on May 1, 1931, and the notice to bidders specifies that bids were to be received on May 11, 1931. Hence, the specifications were not filed with the State Auditor until the day after bids were received.

Section 2317, General Code, clearly shows that all plans, specifications and information to bidders must be filed with the Auditor before advertisement for proposals is begun. See also Opinion 3318, rendered June 12, 1931, a copy of which is enclosed herein. Consequently, it is impossible for you to enter into a contract with J. A. Hickey, Inc., as the failure to file plans, specifications, etc., before advertisement prevents acceptance of any of the bids.

The proper procedure at this time is to readvertise for bids, under authority of section 2320, General Code.

In view of the foregoing, I am forced to disapprove this contract, and am returning to you all the papers submitted in connection therewith.

Respectfully,

GILBERT BETTMAN,
Attorney General.

3325.

PHYSICIAN—UNDER CONTRACT WITH TOWNSHIP TO FURNISH MEDICAL RELIEF TO POOR THEREIN FOR FIXED COMPENSATION—REQUESTED BY FOREIGN TOWNSHIP TO TREAT INDIGENT PERSON WHOSE LEGAL SETTLEMENT IN SUCH PHYSICIAN'S TOWNSHIP—RIGHT TO COMPENSATION FROM FOREIGN TOWNSHIP—SUCH FOREIGN TOWNSHIP REIMBURSED BY INDIGENT'S TOWNSHIP.

SYLLABUS:

Medical services requested by the trustees of a township for an indigent person whose legal settlement is in another township, should be paid by the township requesting such medical services and charged to the township of legal settlement.

COLUMBUS, OHIO, June 15, 1931.

HON. C. LUTHER SWAIM, *Prosecuting Attorney, Wilmington, Ohio.*

DEAR SIR:—This will acknowledge receipt of your recent request for my opinion, which reads:

“The following inquiry is made for an opinion of the Attorney General relating to medical treatment of township indigent poor.

One of the townships of this county has a contract with a physician to take care of the indigent sick under Sec. G. C. 3490. A person moved from this township into an adjoining township, and some miles further from the center of the first township. While living in the second town-