

1912.

APPROVAL, CONTRACT BETWEEN THE STATE OF OHIO AND THE JOS. L. SKELDON ENGINEERING COMPANY, TOLEDO, OHIO, FOR THE CONSTRUCTION OF ENGINE AND GENERATOR, FOR OHIO PENITENTIARY, COLUMBUS, OHIO, AT AN EXPENDITURE OF \$68,056.00—SURETY BOND EXECUTED BY THE UNITED STATES FIDELITY AND GUARANTY COMPANY.

COLUMBUS, OHIO, March 29, 1928.

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, (Ohio Penitentiary) and the Jos. L. Skeldon Engineering Company of Toledo, Ohio. This contract covers the construction and completion of 1-2000 KW Engine and Generator complete with 36 x 60 x 48 Hamilton Corliss direct connected to a 40° Westinghouse Generator at 100 R. P. M., complete with switchboard, and calls for an expenditure of sixty-eight thousand and fifty-six dollars (\$68,056.00).

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. Inasmuch as the engine and generator covered by this contract do not constitute a public building or structure within the purview of Section 12 of House Bill No. 502, the consent of the Controlling Board to the expenditure is unnecessary. In addition, you have 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.*

1913.

COUNTY COMMISSIONERS—AUTHORITY TO APPROPRIATE FOR SALARY OF COURT CONSTABLE AND COURT BAILIFF—ABUSE OF DISCRETION.

SYLLABUS:

*A court constable appointed under authority of Section 1692, General Code, or a criminal bailiff appointed under the authority of Section 1541, General Code, can not be paid a salary in excess of the amount appropriated therefor; nor may the discretion of the board of county commissioners in fixing the amount of the appropriation for the*