

bond upon which the Metropolitan Casualty Insurance 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.

The tabulation of bids submitted with the above contract indicates that the contract was not awarded on the lowest bid but on the next to the lowest bid. The lowest bidder was J. C. Wyllie, Russells Point, Ohio. You have submitted with the papers relative to the above contract the proposal of J. C. Wyllie, which proposal contains an itemized statement of the material and labor necessary for the construction of the dredge hull in question based upon unit prices. In the separation of labor from material, the amount set down as labor in item 3 "labor on 34,749 feet of lumber" does not give the product as shown in the total column. Either the multiplier, \$78.00, is in error if the product \$2542.42 is used or the product is in error if \$78.00 is used.

The same condition exists in item 8 "labor on 12103 feet including doors."

In view of the discrepancy between the unit prices and the total in the itemized statement, I am of the opinion that there existed sufficient justification for the rejection of Mr. Wyllie's bid and the acceptance of the next lowest bid.

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.

1949.

APPROVAL, AGREEMENT BETWEEN THE DIRECTOR OF HIGHWAYS
AND THE BALTIMORE AND OHIO SOUTHWESTERN RAILROAD
COMPANY, PERTAINING TO ELIMINATION OF GRADE CROSSING
IN THE VILLAGE OF LITTLE HOCKING, OHIO.

COLUMBUS, OHIO, April 9, 1928.

HON. GEORGE F. SCHLESINGER, *Director of Highways, Columbus, Ohio.*

DEAR SIR:—Receipt is acknowledged of your communication of March 27, 1928, enclosing for my approval, as to legality and form, an agreement by and between the Director of Highways, The Baltimore and Ohio Southwestern Railroad Company and The Baltimore and Ohio Railroad Company, operating the property of said The Baltimore and Ohio Southwestern Railroad Company.

This agreement pertains to the elimination of a crossing at grade in the Village of Little Hocking, Ohio, and relocating State Highway No. 7 so that the same will cross the tracks of The Baltimore and Ohio Railroad Company by means of an overhead structure.

The provisions of this agreement have heretofore been discussed and considered by representatives of this department, the Department of Highways, and the railroad companies, and the agreement has been executed by proper officials of the railroad companies.

Finding said agreement legal and in proper form, I hereby approve the same.

Respectfully,

EDWARD C. TURNER,

Attorney General.