

From these premises it is further concluded that the cost of lowering such service pipes is a part of the expense of such street improvement and is payable from the specific street improvement fund and that after deducting the city's portion of such expense it is assessable against the adjoining, abutting and otherwise specially benefited lots or lands.

Respectfully,
 JOHN G. PRICE,
Attorney-General.

1507.

APPROVAL, AGREEMENT BETWEEN OHIO BOARD OF ADMINISTRATION AND BALTIMORE & OHIO RAILROAD COMPANY, SIDETRACKS AT OHIO STATE BRICK PLANT, GOBLES, OHIO.

COLUMBUS, OHIO, August 20, 1920.

The Ohio Board of Administration, Columbus, Ohio.

GENTLEMEN:—Acknowledgment is made of the receipt of your letter dated August 18, 1920, transmitting for the approval of this department the proposed agreement between your board and the Baltimore & Ohio Railroad Company relative to changes in sidetracks at the Ohio state brick plant, Gobles, Ohio.

Section 2183, 103 O. L., 65, gives the warden of the penitentiary, under the direction of your board, authority to employ convicts in the manufacture of articles used by the state "in carrying on the penitentiary." He is also authorized to employ them "in the preparation and manufacture of any and all forms of road-making material for use in the construction, improvement, maintenance and repair of the main market roads and highways within the state of Ohio."

To carry out this purpose the State Board of Administration is authorized, with the approval of the Governor, to purchase land, quarries, buildings, and machinery. Under this section the approval of the Governor, it is to be noted, is necessary to consummate the initial purchase of land and equipment and construction of buildings.

Section 1838 G. C., relative to the powers of your board, provides that the board "in addition to the powers expressly conferred, shall have all the power and authority necessary for the full and efficient exercise of the executive administration and fiscal supervision over all of said institutions." By reference to section 1835 and to other sections, notably section 1866, as amended in 103 O. L., 551, it is quite clear that the penitentiary and such other plants or places acquired for the purposes of section 2183, *supra*, are among the institutions referred to in section 1838.

By personal conference, it is learned that a large part of the road material made at the Gobles plant is used by the state highway commissioner for the purposes mentioned in that section. So it would appear that the purpose of this agreement is within the power of your board. The appropriation certificate of the state auditor, it must be noted, is limited to the express amount of the cost, \$1,120.00.

This certificate, considering the uncertainty of it costing possibly less or more, is, however, deemed sufficient, and I am therefore returning the agreement with my approval as to form endorsed thereon.

Respectfully,
 JOHN G. PRICE,
Attorney-General.