

furnished by a photostatic machine set up in the office of the county commissioners, they may refuse to purchase additional machines for county officers requesting the same.

As to the power of the county commissioners or the county recorder to appoint a photographer and assistants in the event a photostatic machine is installed in the county recorder's office, your attention is directed to Section 2981, General Code, which provides that the elective county officers may employ necessary deputies, assistants, clerks, bookkeepers or other employes for their respective offices, fix their compensation and discharge them, and that they shall file with the county auditor certificates of such action.

If a photostatic machine is installed in the county recorder's office at the instigation of the county recorder, the same would be under the jurisdiction of the county recorder and it would follow from Section 2981 that the recorder would have the authority to appoint the necessary employes, assistants or clerks for the operation of such machine.

Your fourth inquiry concerns the authority of a county recorder to compel other county officers to record and copy instruments, etc., on the machine in the recorder's office. As before stated, there is no supervisory authority in county government and a search of the Ohio law fails to reveal any authority vested in the county recorder to compel the other county officers to fulfill their duties in a manner dictated by the recorder. I believe, however, that the county commissioners could stipulate, upon the purchase of such machine, that it should be available for the use of other county officers when not required by the recorder.

Summing up the conclusions above determined, I am of the opinion that:

1. County commissioners have no authority to create a separate department of county government and appoint the necessary employes to operate a photostatic machine and compel other county officials to make use of the facilities thus provided. The commissioners may, however, if its use is necessary in connection with the work of their office, purchase such a machine, make it available for use by other county offices, and may, in the exercise of a reasonable discretion, refuse to purchase such a machine for any other office.

2. If a photostatic machine is installed in the county recorder's office, he may appoint the necessary employes, assistants or clerks for the operation of such machine in the business of the office.

3. The county commissioners may stipulate, upon the purchase of a photostatic machine, that it be available for the use of other county officers when not required by the office in which it is to be located.

Respectfully,

GILBERT BETTMAN,
Attorney General.

3028.

APPROVAL, BONDS FOR THE FAITHFUL PERFORMANCE OF THEIR DUTIES—THREE RESIDENT DISTRICT DEPUTY DIRECTORS AND ONE RESIDENT DIVISION DEPUTY DIRECTOR.

COLUMBUS, OHIO, March 9, 1931.

HON. O. W. MERRELL, *Director of Highways, Columbus, Ohio.*

DEAR SIR:—You have submitted four bonds, each in the penal sum of

\$5,000.00, with sureties as indicated, to cover the faithful performance of the duties of the officials as hereinafter listed:

Henry Walsh, Resident District Deputy Director, Clinton County—Fidelity and Deposit Company of Maryland.

V. E. Waterloo, Resident District Deputy Director, Monroe County—Maryland Casualty Company.

T. S. Brindle, Resident Division Deputy Director (Acting) Division No. 12—United States Fidelity and Guaranty Company.

Leon W. Wolford, Resident District Deputy Director, Fairfield County—The Ohio Casualty Insurance Company.

Finding said bonds to have been properly executed, I have accordingly approved the same as to form, and return them herewith.

Respectfully,

GILBERT BETTMAN,
Attorney General.

3029.

DISAPPROVAL, GAME REFUGE LEASE IN HENRY TOWNSHIP, WOOD COUNTY, OHIO.

COLUMBUS, OHIO, March 9, 1931.

HON. JOHN W. THOMPSON, *Commissioner, Division of Conservation, Columbus, Ohio.*

DEAR SIR:—You have submitted for my approval the following Game Refuge Lease, in duplicate:

<i>No.</i>	<i>Lessor</i>	<i>Township</i>	<i>County</i>	<i>Acres</i>
2102	Emma J. Auverter	Henry	Wood	160

Upon examination, I find that the Original Order Sheet and duplicate copy and the Lease proper and duplicate are not signed by yourself as commissioner.

I am therefore returning to you the above lease without my approval endorsed thereon.

Respectfully,

GILBERT BETTMAN,
Attorney General.

3030.

CIVIL SERVICE—MUNICIPAL AND STATE—CONSTITUTIONALITY OF PROPOSED AMENDMENT TO LAW DISCUSSED.

SYLLABUS:

Constitutionality of amended House Bill No. 250, discussed.