

action on any measure until it called for immediate attention and thus deserve the sharpest criticism and be answerable to its constituents as meriting the severest censure and yet the situation would be none the less such as to merit the determination of the existence of a case of urgent necessity.

The board in this case, having in the exercise of its discretion determined that a case of urgent necessity existed and the facts submitted not showing an abuse of discretion or the presence of fraud or collusion or the absence of good faith, the decision of the board is final. When said board thereafter entered into a contract for the leasing of the portable building from the Circle A. Products Company by having properly ratified the action of their president and clerk in executing the contract, and the clerk having duly certified that the money required to meet the contract of lease was lawfully appropriated and in the treasury or in the process of collection to the credit of the proper fund, free from any previous outstanding certification, I am of the opinion that the contract is valid, and that the expenditures of the board in pursuance of the execution of the contract are legal.

Respectfully,  
EDWARD C. TURNER,  
*Attorney General.*

909.

APPROVAL, CONTRACT BETWEEN THE STATE OF OHIO AND L. R. McMICHAEL, BUCYRUS, OHIO, FOR CONSTRUCTION OF FISH HATCHERY, NEAR BUCYRUS, OHIO, AT AN EXPENDITURE OF \$23,875.71—SURETY BOND EXECUTED BY THE FIDELITY & DEPOSIT COMPANY OF MARYLAND.

COLUMBUS, OHIO, August 24, 1927.

HON. GEORGE F. SCHLESINGER, *Director of Highways and Public Works, Columbus, O.*

DEAR SIR:—You have submitted for my approval a contract between the State of Ohio, acting by the Department of Highways and Public Works, for the Department of Agriculture, Division of Fish and Game, and L. R. McMichael, of Bucyrus, Ohio. This contract covers the construction and completion of a Fish Hatchery located two miles east of Bucyrus between the Plymouth road and the Sandusky river in Crawford county, Ohio, and calls for an expenditure of twenty-three thousand eight hundred and seventy-five and 71-100 dollars (\$23,875.71).

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. You have also submitted a contract bond upon which the Fidelity & Deposit Company of Maryland 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.*