

that the section authorizes county commissioners, in their discretion, to purchase or lease machinery, tools and equipment without the approval of the county surveyor as to the make of the equipment. It is true that the section provides that when such equipment is purchased it shall be under the care and custody of the county surveyor. It also is clear that the county surveyor shall make annually a written inventory of all machinery and equipment owned by the county, and at the time of making such inventory he shall file with the commissioners a written recommendation as to what machinery, tools, equipment and conveyances should be purchased for the use of the county during the ensuing year and the probable cost thereof. However, this latter requirement is only a recommendation to the county commissioners, which said commissioners may follow or, in the final analysis, they may determine to exercise their own judgment and discretion as to the character of such purchase.

In view of the foregoing, you are specifically advised that it is my opinion that under the provisions of Section 7200 of the General Code, county commissioners, in the purchase of road machinery, tools and equipment may use their discretion as to the make thereof, even though such make does not meet the approval of the county surveyor.

Respectfully,
 GILBERT BETTMAN,
Attorney General.

449.

APPROVAL, CONTRACT BETWEEN STATE OF OHIO AND THE ELCON ENGINEERING CO., COLUMBUS, OHIO, FOR COAL HANDLING EQUIPMENT, FOR WILBERFORCE UNIVERSITY, WILBERFORCE, OHIO, AT AN EXPENDITURE OF \$6,991.00—SURETY BOND EXECUTED BY THE GLOBE INDEMNITY COMPANY.

COLUMBUS, OHIO, May 28, 1929.

HON. RICHARD T. WISDA, *Superintendent of Public Works, Columbus, Ohio.*

DEAR SIR:—You have submitted for my approval a contract between the State of Ohio, acting by the Superintendent of Public Works, for and on behalf of the Board of Trustees, C. N. & I. Department, Wilberforce University, and the Elcon Engineering Company of Columbus, Ohio. This contract covers the construction and completion of contract for coal handling equipment, C. N. & I. Department, Wilberforce University, Wilberforce, Ohio, and calls for an expenditure of six thousand nine hundred and ninety-one dollars (\$6,991.00).

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. There has further been submitted a contract bond upon which the Globe Indemnity 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 Act have been complied with.

In this connection, it will be noted that the award was made prior to January 1,

1929, and that the original appropriation lapsed before such contract was approved by the Attorney General. However, it will be further noted that the 88th General Assembly, in Amended House Bill No. 203, reappropriated such funds and authorized the expenditure of money for such purposes with the consent and approval of the Controlling Board, which has been obtained.

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,
GILBERT BETTMAN,
Attorney General.

450.

APPROVAL, CONTRACT BETWEEN STATE OF OHIO AND ALPHONS CUSTODIS CHIMNEY CORPORATION, CHICAGO, ILLINOIS, FOR CONSTRUCTION OF RADIAL BRICK CHIMNEY, POWER HOUSE AND STACK, WILBERFORCE UNIVERSITY, WILBERFORCE, OHIO, AT AN EXPENDITURE OF \$5,050.00—SURETY BOND EXECUTED BY THE UNITED STATES GUARANTEE COMPANY OF NEW YORK.

COLUMBUS, OHIO, May 28, 1929.

HON. RICHARD T. WISDA, *Superintendent of Public Works, Columbus, Ohio.*

DEAR SIR:—You have submitted for my approval a contract between the State of Ohio, acting by the Superintendent of Public Works, for and on behalf of the Board of Trustees, C. N. & I Department, Wilberforce University, and Alphons Custodis Chimney Corporation, Chicago, Ill. This contract covers the construction and completion of contract for Radial Brick Chimney, Power House and Stack, C. N. & I. Department, Wilberforce University, Wilberforce, Ohio, and calls for an expenditure of five thousand and fifty dollars (\$5,050.00).

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. There has also been submitted a contract bond upon which the United States Guarantee Company of New York 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 Act have been complied with.

In this connection, it will be noted that the award was made prior to January 1, 1929, and that the original appropriation lapsed before such contract was approved by the Attorney General. However, it will be further noted that the 88th General Assembly, in Amended House Bill No. 203, reappropriated such funds and authorized the expenditure of money for such purposes with the consent and approval of the Controlling Board, which has been obtained.

Finding said contract and bond in proper legal form, I have this day noted my