

construction of the work and require the county to pay the agreed share of the cost. Unless the proceeding has progressed to the point where the agreement provided for by Section 1218, General Code, has been executed by the county, the Director of Highways and the county commissioners may abandon the proceeding and initiate a new proceeding under the new law after the same takes effect. In other words, where an application for state aid has been filed by a county prior to the first Monday of January, 1928, the question of whether the state and county will thereafter proceed under such application and under the provisions of the old law, or whether the old proceeding shall be abandoned and a new proceeding initiated under the new law, is to be determined by the Director of Highways and the county commissioners, subject to certain qualifications. One qualification is that unless the old proceeding has progressed to the point where the agreement provided for by Section 1218, General Code, has been actually executed by the county, then the county can not compel the Director to proceed under the old law or complete the old proceeding, and the Director can not compel the county to proceed under the old law or complete the old proceeding, except to the extent of completing its agreement made under Section 1193, General Code, to pay one-half of the cost of the plans, etc. Where the proceeding has proceeded prior to the effective date of the new law to the point where the agreement provided for by Section 1218, General Code, has been actually executed by the county, then the county can not withdraw and the Director has a right to proceed under the old law and complete the proceeding and make the improvement without regard to the wishes or subsequent actions of the county.

Specifically answering your question, it is my opinion:

1. That a proceeding is "pending" within the meaning of Section 26 of the General Code when a board of county commissioners makes application for state aid under the provisions of Section 1191, General Code, and that such a proceeding may be completed under the present law after the effective date of House Bill No. 67 (Edwards-Norton Bill).

2. That a board of county commissioners or a board of township trustees contracts an obligation within the meaning of Section 91 of House Bill No. 67 at such time as it files an application under Section 1191 of the General Code for state aid, in that by filing such application a board of county commissioners or a board of township trustees agrees to pay one-half of the cost of surveys and other preliminary expenses incident to the construction, improvement, maintenance or repair of an inter-county highway or main market road.

Respectfully,

EDWARD C. TURNER,
Attorney General.

777.

APPROVAL, CONTRACT BETWEEN THE STATE OF OHIO AND Mc-AULIFFE BROTHERS, MARYSVILLE, OHIO, FOR CONSTRUCTION OF PLUMBING, HEATING AND VENTILATING FOR COTTAGE "H", INSTITUTION FOR FEEBLE MINDED, ORIENT, OHIO, AT AN EXPENDITURE OF \$28,511.00—SURETY BOND EXECUTED BY THE GLOBE INDEMNITY COMPANY.

COLUMBUS, OHIO, July 25, 1927.

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

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 Public Welfare, and McAuliffe Brothers, of Marysville, Ohio. This contract covers the construction and completion of Combined Plumbing and Heating and Ventilating Contracts for Cottage "H", Institution for Feeble Minded, Orient, Ohio, and calls for an expenditure of twenty-eight thousand five hundred and eleven dollars (\$28,511.00).

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. You have also 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 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.

778.

APPROVAL, CONTRACT BETWEEN THE STATE OF OHIO AND JACK CONIE, COLUMBUS, OHIO, FOR CONSTRUCTION OF SEWERS OF COTTAGE "H", INSTITUTION FOR FEEBLE MINDED, ORIENT, OHIO, AT AN EXPENDITURE OF \$10,462.00—SURETY BOND EXECUTED BY THE ROYAL INDEMNITY COMPANY.

COLUMBUS, OHIO, July 25, 1927.

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

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 Public Welfare, and Jack Conie, of Columbus, Ohio. This contract covers the construction and completion of General Contract for Sewers for Cottage "H", Institution for Feeble Minded, Orient, Ohio, and calls for an expenditure of ten thousand four hundred and sixty-two dollars (\$10,462.00).

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. You have also submitted a contract bond upon which the Royal 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 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.