

101.

COUNTY COMMISSIONERS—MAY PURCHASE HANDCUFFS AND PISTOLS FOR SHERIFF.

SYLLABUS:

By virtue of Section 2419 of the General Code, County Commissioners may legally purchase with county funds, handcuffs and pistols for the use of the sheriff and his deputies.

COLUMBUS, OHIO, February 24, 1927.

HON. WALTER J. MOUGEY, *Prosecuting Attorney, Wooster, Ohio.*

DEAR SIR:—I am in receipt of your letter of recent date, in which you inquire as to whether or not county commissioners may provide from county funds for handcuffs and pistols for the use of the sheriff and his deputies. Section 2419 of the General Code reads as follows:

“A court house, jail, public comfort station, offices for county officers and an infirmary shall be provided by the commissioners when in their judgment they or any of them are needed. Such buildings and offices shall be of such style, dimensions and expense as the commissioners determine. They shall also provide all the equipment, stationery and postage, as the county commissioners may deem necessary for the proper and convenient conduct of such offices, and such facilities as will result in expeditious and economical administration of the said county offices. They shall provide all room, fire and burglar-proof vaults and safes and other means of security in the office of the county treasurer, necessary for the protection of public moneys and property therein.”

The portion of the statute set out above which has been italicized was inserted by amendment passed April 17th, 1919. As the statute read before this amendment this portion of the statute which is in italics was not included.

The amendment as will be noted, provides for the furnishing of *all* the equipment *necessary* for the conduct of county offices and such *facilities* as will result in the expeditious and economical administration of such offices.

It cannot be denied, but that handcuffs and pistols are necessary equipment as well as a facility which would aid in the expeditious administration of a sheriff's office.

As there are no other provisions of law specifically authorizing the furnishing of handcuffs and pistols for the use of the sheriff, this statute, it seems to me should be construed to include the purchase of such articles, as they are both equipment necessary for the conduct of the office, as well as a facility which would aid in the expeditious administration of the office.

I refer you for a further discussion of the construction of this statute, to two former opinions rendered by this department, one of which may be found in Opinions of the Attorney General for 1919, at page 1309, in which it was said that this statute authorized the purchase of postage stamps and stationery for county offices. The other is in the Opinions for 1922, at page 396, where the question of the purchasing of weighing jacks for the use of the sheriff in the administration of the law, with reference to loading trucks was considered, and it was said in this Opinion that since the amendment of Section 2419, there could be no question but that the word “facilities” should be construed to include weighing jacks for the use of the sheriff, so he might more expeditiously administer his office, and enforce the law.

I am therefore of the opinion that county commissioners may legally purchase handcuffs and pistols for the use of the sheriff and his deputies from county funds.

Respectfully,
EDWARD C. TURNER,
Attorney General.

102.

DISAPPROVAL, CONTRACT BETWEEN THE STATE OF OHIO AND McCURRAN BROTHERS OF XENIA, OHIO—TO CONSTRUCT SEWER C. N. & I. DEPARTMENT, WILBERFORCE UNIVERSITY, WILBERFORCE, OHIO—\$40,875.00.

COLUMBUS, OHIO, February 24, 1927.

HON. GEORGE F. SCHLESINGER, *Director 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, and McCurran Bros. of Xenia, Ohio. This contract covers the construction and completion of combined general contract for sewage disposal, C. N. & I. Department, Wilberforce University, Wilberforce, Ohio, and calls for an expenditure of \$40,875.00.

Said contract is returned herewith disapproved for the reason that the copy of the resolution passed by the Board of Trustees of the C. N. & I. Department on December 2nd, 1926, as shown by a letter dated December 3, 1926, does not show that a quorum of the Board of Trustees participated in the meeting at which said resolution was passed.

Respectfully,
EDWARD C. TURNER,
Attorney General.

103.

DIRECTOR OF HIGHWAYS—HAS AUTHORITY TO LAY SEWER PIPES ACROSS RAILROAD PROPERTY OCCUPYING PUBLIC HIGHWAY BY VIRTUE OF EASEMENT—CONTRACT TO PAY COMPANY RENT WOULD BE WITHOUT CONSIDERATION TO THE STATE OF OHIO.

SYLLABUS:

The Director of Highways and Public Works has lawful authority to lay sewer pipes across and under the tracks of a railroad company occupying the public highway by virtue of an easement and a contract entered into to pay said company an annual rental fee for such use would be without consideration to the State of Ohio.

COLUMBUS, OHIO, February 25, 1927.

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

DEAR SIR:—I acknowledge receipt of your communication of recent date, to which is attached an agreement granting to the Department of Highways and Public