

STATE HIGHWAY COMMISSION: - Tools not in use by Commission may be loaned by them on public projects.

12-11

December 11, 1933.



Hon. Wallace Crossley  
State Administrator  
Civil Works Administration  
Madison Hotel Building  
Jefferson City, Missouri

Dear Mr. Crossley:

We are in receipt of the following letter from you:

"There are several state institutions who have been allotted an allotment from the Federal Civil Works Administration funds which would pay for all labor involved, but at the present time these state institutions are unable to function with the Federal Civil Works Administration due to the fact that they are unable to furnish small tools to put their men to work. Our State Highway Commission has in storage at the present time the desired tools and equipment. If so placed in the hands of the state institutions these men would be able to go to work immediately.

I should like from you, and should appreciate it greatly, an opinion addressed to the State Highway Commission which would warrant the lending of these tools for use on the State Projects at the various institutions.

It is understood, of course, that the institutions will be responsible for the equipment used. The equipment to be a state charge against the institution. Of course, this is an emergency and I hope you can give instant approval."

We respectfully decline to comply with your request that our opinion be directed to the State Highway Commission on the matter sought, and in lieu thereof advise you in the premises. You have our approval to use this letter if it will assist you to accomplish what you seek.

You state that this is an emergency and many men will be placed to work if they are able to obtain the use of small tools which are the property of the State Highway Commission and in storage at the present time. We specifically remind you that the ownership and possession of these tools remains in the State Highway Commission and if same are loaned for use by the men on Civil Works Administration projects they must be returned to said Commission when it so directs. No right or interest in them accrues to the borrowers, if loaned to them.

We see no legal reason why these small tools not now used by the State Highway Commission may not be loaned to the men engaged in this public work and with your assurance that same will be taken care of and the institutions be responsible therefor we believe the State Highway Commission, to help out in this emergency, will honor your request.

Yours very truly,

James L. HornBostel  
Assistant Attorney-General

APPROVED:

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ROY McKITTRICK  
Attorney-General