

778.

APPROVAL, CONTRACT BETWEEN STATE OF OHIO AND THE A. W. BURNS CONSTRUCTION COMPANY, FOR PAVING OF ROAD AT OHIO STATE UNIVERSITY, COLUMBUS, OHIO, AT AN EXPENDITURE OF \$38,261.67—SURETY BOND EXECUTED BY THE DETROIT FIDELITY AND SURETY COMPANY.

COLUMBUS, OHIO, August 21, 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 Department of Public Works for the Board of Trustees of the Ohio State University, and The A. W. Burns Construction Company, of Columbus, Ohio. This contract covers the paving of road west of horse barn, west of gymnasium, north and south of chemistry building, on the grounds of the Ohio State University, including Alternate "A", as covered by the plans and specifications for said work, and calls for an expenditure of thirty-eight thousand two hundred sixty-one and 67/100 dollars (\$38,261.67).

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 furnished evidence to the effect that the consent of the Controlling Board to the expenditure has been obtained, as required by Section 11 of House Bill No. 510 of the 88th General Assembly. In addition you have submitted a contract bond, upon which the Detroit Fidelity and Surety 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.

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.

779.

COSTS—JUDGES' ELECTION CONTEST—LEGALITY OF PAYMENT FROM STATE TREASURY OF VARIOUS ITEMS OF EXPENSE—EMERGENCY BOARD UNAUTHORIZED TO PROVIDE FOR PAYMENT.

SYLLABUS:

1. *Provisions in the judgment entry of the Court of Appeals in an election contest case under the provisions of Sections 5137, et seq., General Code, ordering "the proper legal costs" of the proceeding to be paid from the treasury of the State of Ohio, have reference only to such expenses incurred in the hearing and determination of such cases as are by law made costs in the case and taxable as such.*