

Therefore, there could be no short term of the office of clerk of common pleas court for which a candidate could run at the November election.

Hence, in specific answer to your question, I am of the opinion that no provision should be made at the election on November 8, 1932, for the election of a clerk of the common pleas court for the unexpired term in the instances where the office is now being filled by appointment.

Respectfully,  
GILBERT BETTMAN,  
*Attorney General.*

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4585.

APPROVAL, CONTRACT BETWEEN THE STATE OF OHIO AND THE HAGAN CORPORATION OF PITTSBURGH, PA., FOR THE CONSTRUCTION AND COMPLETION OF COMBUSTION CONTROL EQUIPMENT FOR THE OHIO STATE PENITENTIARY, AT AN EXPENDITURE OF \$4,375.00—SURETY BOND EXECUTED BY THE AETNA CASUALTY AND SURETY COMPANY OF HARTFORD, CONNECTICUT.

COLUMBUS, OHIO, August 31, 1932.

HON. JOHN MCSWEENEY, *Director of Public Welfare, Columbus, Ohio.*

DEAR SIR:—You have submitted for my approval a contract between the State of Ohio, acting by the Department of Public Welfare (Ohio Penitentiary, Columbus, Ohio), and the Hagan Corporation of Pittsburgh, Pennsylvania. This contract covers the construction and completion of Combustion Control Equipment for the Ohio Penitentiary, Columbus, Ohio, in accordance with the form of proposal dated July 6, 1932. Said contract calls for an expenditure of four thousand, three hundred and seventy-five dollars (\$4,375.00).

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 evidence that the consent of the Controlling Board to the release of funds has been obtained in accordance with section 8 of House Bill No. 624 of the 89th General Assembly. In addition, you have submitted a contract bond upon which the Aetna Casualty and Surety Company of Hartford, Connecticut, 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. A certificate of the Secretary of State shows that the above contracting foreign corporation is authorized to do business in Ohio.

Finding said contract and bond in proper legal form, I have this day noted my approval thereon, and return the same to you herewith, together with all other data submitted in this connection.

Respectfully,  
GILBERT BETTMAN,  
*Attorney General.*