

Apparently what has led to your inquiry is the organization provision mentioned in Section 5592 G. C., requiring the board of revision to organize annually on the second Monday in June by the election of a chairman for the ensuing year. While this provision is mandatory, it does not prevent an organization of the board of revision prior to the second Monday in June, if such necessity should exist.

In Opinions of the Attorney for 1916, volume 1, at page 146, the following language is found:

"I am of the opinion, therefore, in answer to your first question that the tax commission has power, under the above provisions of Section 39 as amended and Section 40 of the act, to direct the duly appointed and qualified members of the board of revision of any county to organize at any time prior to the second Monday in June, 1916, and that said board of revision may, when properly organized, proceed under the direction of the tax commission to complete any unfinished business of the district board of complaints of such county in compliance with the above provision of Section 1 of the act."

Answering your question specifically, it is my opinion that upon the president of the board of county commissioners ceasing to be such, his membership on the county board of revision thereby ceases and upon the election of a new president of the board of county commissioners, he thereby becomes a member of the county board of revision, and that if this change of membership should leave the county board of revision without proper organization, it can be reorganized at any time prior to the second Monday in June, upon the necessity existing therefor.

Respectfully,

EDWARD C. TURNER,

Attorney General.

28.

APPROVAL, CONTRACT BETWEEN STATE OF OHIO, THROUGH THE ADJUTANT GENERAL'S DEPARTMENT WITH THE MELBOURNE CONSTRUCTION COMPANY, CANTON, OHIO, TO CONSTRUCT AND COMPLETE STABLE AND GROUNDS, CANTON STATE ARMORY, \$20,500.00—FIDELITY AND DEPOSIT COMPANY OF MARION, SURETY.

COLUMBUS, OHIO, Jan. 27, 1927.

HON. FRANK D. HENDERSON, *Adjutant General of Ohio, Columbus, Ohio.*

DEAR SIR:— I beg to acknowledge receipt of your letter of January 15th, 1927, enclosing for my approval contracts in triplicate between the State of Ohio acting by the Adjutant General's Department and The Melbourne Construction Company of Canton, Ohio. This contract covers the construction and completion of the stable and grounds, Canton State Armory, Canton, Ohio, and calls for an expenditure of Twenty Thousand Five Hundred and no-hundredths Dollars (\$20,500.00).

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. There has further been submitted a contract bond

upon which the Fidelity and Deposit Company of Maryland 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.

It will be noted that in the contract bond the name of the principal is not included immediately above that of the surety in the caption of this bond. This defect is not fatal for the reason that the words "that we, the undersigned" are used and the principal has signed said contract bond. However, I would suggest that in the future the name of the principal be included immediately preceding the name of the surety in the caption of said bond.

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.

29.

APPROVAL, CONTRACT BETWEEN STATE OF OHIO THROUGH THE DEPARTMENT OF HIGHWAYS AND PUBLIC WORKS WITH THE RADIO M. & S. COMPANY—APPROVAL CONTRACT WITH HENRY I. DERR—ELECTRICAL WORK AND PLUMBING, BOTANICAL GREENHOUSE FOR VEGETABLE DISEASE INVESTIGATION, OHIO AGRICULTURAL EXPERIMENT STATION, WOOSTER, OHIO.

COLUMBUS, OHIO, January 27, 1927.

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

DEAR SIR:—You have submitted for my further consideration and approval a contract in triplicate between the State of Ohio acting by the Department of Highways and Public Works, and the Radio M. & S. Company, and a contract in triplicate between the State of Ohio acting by the Department of Highways and Public Works and Henry I. Derr which were on January 24th returned to you for the following reason:

The first of the foregoing contracts provides for electrical work in the Botanical Greenhouse for Vegetable Disease Investigation, Ohio Agricultural Experiment Station, Wooster, Ohio, as set forth in item No. 6, of the proposal dated October 6th, 1926.

The second of the foregoing contracts provides for the plumbing to be installed in the Botanical Greenhouse for Vegetable Disease Investigation, Ohio Agricultural Experiment Station, Wooster, Ohio, exclusive of heating and ventilating as set forth in item No. 5, of the proposal dated October 6th, 1926.

These contracts were returned to you disapproved, for the reason that Article 6 in each of them provides:

"The contractor is to complete the work contemplated under this contract on or before January first, 1927."