

71.

APPROVAL, BONDS OF CONNEAUT CITY SCHOOL DISTRICT, ASHTABULA COUNTY, \$90,000, TO CONSTRUCT A GRADE SCHOOL BUILDING.

COLUMBUS, OHIO, February 14, 1923.

Department of Industrial Relations, Industrial Commission of Ohio, Columbus, Ohio.

72.

APPROVAL, FINAL RESOLUTION, ROAD IMPROVEMENT IN TRUMBULL COUNTY.

COLUMBUS, OHIO, February 14, 1923.

Department of Highways and Public Works, Division of Highways, Columbus, Ohio.

73.

APPROVAL, CONTRACT OF STATE OF OHIO WITH THE STATE CONSTRUCTION COMPANY, COLUMBUS, OHIO, FOR THE COMPLETION OF STATE ARMORY BUILDING, CIRCLEVILLE, OHIO, AT A COST OF \$49,995.00—SURETY BOND EXECUTED BY THE GLOBE INDEMNITY COMPANY OF NEW YORK.

COLUMBUS, OHIO, February 15, 1923.

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

DEAR SIR:—You have submitted for my approval a contract between the State of Ohio, acting by the Adjutant General, and H. E. Schmidt, John Nadalin and W. H. Howard, partners, doing business under the firm name of "State Construction Co.," of the city of Columbus.

This contract is for the completion of a State Armory Building to be erected at Circleville, Ohio, and calls for an expenditure of \$49,995.00.

Accompanying said contract is a proper contract bond upon which The Globe Indemnity Company of New York is surety. There has also been submitted the certificate of the Director of Finance to the effect that there are unencumbered balances legally appropriated sufficient to cover the obligations of this contract.

Evidence has also been submitted indicating that the statutes have been complied with in reference to the preparation and approval of plans, advertising.

tabulation of bids and awarding of contract, Workmen's Compensation Insurance and the qualifications of the Bonding Company.

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

Respectfully,
C. C. CRABBE,
Attorney General.

74.

DISAPPROVAL, BONDS OF SUFFIELD TOWNSHIP RURAL SCHOOL DISTRICT, PORTAGE COUNTY, \$85,000, TO ERECT FIREPROOF SCHOOL BUILDING.

COLUMBUS, OHIO, February 15, 1923.

Department of Industrial Relations, Industrial Commission of Ohio, Columbus, Ohio.

Re: Bonds of Suffield Township Rural School District, Portage County, \$85,000, to erect a fireproof school building.

GENTLEMEN:—I have examined the transcript of the proceedings of the board of education and other officers relative to the above bond issue and decline to approve the validity of said bonds for the following reasons:

Section 7630-1 of the General Code provides:

"If a school house is wholly or partially destroyed by fire, or other casualty, or if the use of any school house or school houses for their intended purpose is prohibited by the order of the Industrial Commission of Ohio, * * *"

that bonds may be issued. The order issued by the Industrial Commission and enclosed with the transcript does not prohibit anything, and whatever power the legislature may have vested in the Department of Industrial Relations to order new school buildings constructed, or buildings enlarged, it did not provide that if such department ordered a board of education to construct a new building, or enlarge a building, the board of education thereby became vested with power to issue bonds under the provisions of section 7630-1 G. C.

I refer you to the Ohio Bulletin and Reporter of January 29, 1923, in the case of *Stinson v. Board of Education*, page 273.

Respectfully,
C. C. CRABBE,
Attorney General.