

cover the faithful performance of the duties of the principal as Resident District Deputy Director assigned to Ashland County.

This bond was formerly disapproved by me in Opinion No. 3238, for the reason that the power of attorney submitted did not show that the party signing the name of the surety was duly authorized to execute such bond.

However, it now appears that the objections heretofore pointed out, have been removed and that said bond is now in proper legal form. I have accordingly endorsed my approval thereon, and return the same herewith.

Respectfully,

GILBERT BETTMAN,

*Attorney General.*

3741.

APPROVAL, CONTRACT BETWEEN THE STATE OF OHIO AND THE ALPHONS CUSTODIS CHIMNEY CONSTRUCTION COMPANY OF CHICAGO, ILLINOIS, FOR SMOKE STACK FOR MASSILLON STATE HOSPITAL, MASSILLON, OHIO, AT AN EXPENDITURE OF \$7,175.00. SURETY BOND EXECUTED BY THE UNITED STATES GUARANTEE COMPANY.

COLUMBUS, OHIO, November 9, 1931.

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 (Massillon State Hospital, Massillon, Ohio), and the Alphons Custodis Chimney Construction Company of Chicago, Illinois. This contract covers the construction and completion of 1 7'0" x 200' Stack Complete, with Burkett Lightning Rod System, as specified, for Massillon State Hospital, Massillon, Ohio, in accordance with the form of proposal dated October 17, 1931. Said contract calls for an expenditure of seven thousand one hundred and seventy-five dollars (\$7,175.00).

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 furnished evidence to show that the Emergency Board has released funds for this project. In addition, you have submitted a contract bond upon which the United States Guarantee 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. The Secretary of State has furnished a certificate showing that the above contracting 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 herewith to you, together with all other data submitted in this connection.

Respectfully,

GILBERT BETTMAN,

*Attorney General.*