

Inasmuch as the returns of the election for an unexpired term in the office of the state treasurer or other state elective office provided for by Section 2, Article XVII are not provided for by Section 3 of Article III of the State Constitution or by the provisions of Section 4785-154, General Code, above quoted, I am of the opinion that the canvass of the returns of such election should be made in the manner provided by Section 4785-155, General Code, above quoted, and when the returns of such election have been canvassed, the person receiving the highest number of votes for the unexpired term of such office should be considered duly elected, and "shall be declared so elected by the Governor."

By way of specific answer to the question presented in your communication, you are advised that the Treasurer of State elected for the short term of said office at the election held November 4, 1930, may legally qualify by taking the oath of office and giving the required bond as soon as the returns of the election for said office and term are canvassed by the Secretary of State, in the manner provided by Section 4785-155, General Code, and he has received from the Governor a certificate of his election as provided for by Section 4785-156, General Code.

Respectfully,
GILBERT BETTMAN,
Attorney General.

2524.

APPROVAL, CONTRACT BETWEEN STATE OF OHIO AND THE STRUCK CONSTRUCTION COMPANY, LOUISVILLE, KENTUCKY, AND CINCINNATI, OHIO, FOR CONSTRUCTION AND COMPLETION OF GENERAL STRUCTURAL CONTRACT FOR OHIO STATE OFFICE BUILDING, COLUMBUS, OHIO, AT AN EXPENDITURE OF \$2,622,000.00—SURETY BOND EXECUTED BY THE GLOBE INDEMNITY COMPANY.

COLUMBUS, OHIO, November 12, 1930.

HON. CARMI A. THOMPSON, *Chairman, State Office Building Commission, Columbus, Ohio.*

DEAR SIR:—You have submitted for my approval a contract between the State of Ohio, acting by William Green, Elmer S. Landis, Warner P. Simpson, Carmi A. Thompson and William F. Wiley, duly appointed, acting and qualified members of the Ohio State Office Building Commission provided for in Section 1 of House Bill No. 17, of the 88th General Assembly, passed March 14, 1929, (113 O. L. 59), and the Struck Construction Company of Louisville, Kentucky, and Cincinnati, Ohio. This contract covers the construction and completion of general structural contract for Ohio State Office Building, Columbus, Ohio, in accordance with Item No. 1 and Alternate No. 14 of the form of proposal dated August 25, 1930. Said contract calls for an expenditure of two million six hundred and twenty-two thousand dollars (\$2,622,000.00).

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. It is to be noted that the Controlling Board's approval of the expenditure is not required under the act (113 O. L. 59) appropriating the money for this contract. In addition you have submitted a contract bond upon which the Globe Indemnity 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 have been complied with.

A certificate from the Secretary of State showing that the above contracting foreign corporation is authorized to do business in Ohio, has been filed.

Furthermore, it appears that the Governor has approved all the acts of the commission, in accordance with Section 1 of House Bill 17, 88th General Assembly, heretofore mentioned.

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.

2525.

APPROVAL, CONTRACT BETWEEN STATE OF OHIO AND THE SAMUEL A. ESSWEIN HEATING AND PLUMBING COMPANY, COLUMBUS, OHIO, FOR PLUMBING AND FIRE PROTECTION FOR THE OHIO STATE OFFICE BUILDING, COLUMBUS, OHIO, AT AN EXPENDITURE OF \$95,130.00—SURETY BOND EXECUTED BY THE COMMONWEALTH CASUALTY COMPANY, PHILADELPHIA, PENNSYLVANIA.

COLUMBUS, OHIO, November 12, 1930.

HON. CARMI A. THOMPSON, *Chairman, State Office Building Commission, Columbus, Ohio.*

DEAR SIR:—You have submitted for my approval a contract between the State of Ohio, acting by William Green, Elmer S. Landes, Warner P. Simpson, Carmi A. Thompson and William F. Wiley, duly appointed, acting and qualified members of the Ohio State Office Building Commission provided for in Section 1 of House Bill No. 17 of the 88th General Assembly, passed March 14, 1929 (113 O. L. 59), and The Samuel A. Esswein Heating and Plumbing Company of Columbus, Ohio. This contract covers the construction and completion of contract for plumbing and fire protection for the Ohio State Office Building, Columbus, Ohio, in accordance with Item No. 5, with substitution of galvanized copper bearing pipe for galvanized wrought iron pipe and Jenkins Bros. valves for specified valves, of the form of proposal dated August 25, 1930. Said contract calls for an expenditure of ninety-five thousand one hundred and thirty dollars (\$95,130.00).

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. It is to be noted that the Controlling Board's approval of the expenditure is not required under the act (113 O. L. 59) appropriating the money for this contract. In addition, you have submitted a contract bond upon which the Commonwealth Casualty Company of Philadelphia, Pennsylvania, appears as surety, sufficient to cover the amount of the contract.

You have further submitted evidence indicating that plans were properly pre-