

13.

APPROVAL, CONTRACT BETWEEN STATE OF OHIO, THROUGH DEPARTMENT OF HIGHWAYS AND PUBLIC WORKS, AND V. W. SURVER, AKRON, OHIO—TO FURNISH AND INSTALL SEATS AND DESKS, TRAINING SCHOOL BUILDING, KENT STATE NORMAL SCHOOL, TEN THOUSAND DOLLARS.

COLUMBUS, OHIO, January 19, 1927.

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

DEAR SIR.—You have submitted for my approval a contract between the State of Ohio acting by the Department of Highways and Public Works and V. W. Surver of Akron, Ohio. This contract covers the furnishing and installing of seats and desks for training school building, Kent State Normal School, Kent, Ohio, and calls for an expenditure of ten thousand dollars (\$10,000.00). You have submitted the certificate of the Director of Finance to the effect that there are unencumbered balances legally appropriated sufficient to cover the amount of this contract.

You have further submitted evidence indicating that plans were properly prepared and approved, notice to bidders was properly given and bids tabulated as required by law. Also it appears that the laws relating to the status of surety companies and the workmen's compensation have been complied with.

In view of the fact that V. W. Surver submitted the bid of ten thousand dollars (\$10,000.00) and that he is the contractor building the training school building, Kent State Normal School, Kent, Ohio, in which building the seats covered by the contract are to be placed, and that the amount of his bid is two thousand dollars (\$2,000.00) less than the architect's and engineer's estimate, and further, that there is only one other bid as low as Mr. Surver's, it is my opinion that you may consider the bid as contemplated in law the lowest and best bid and that the Director of Highways and Public Works may therefore properly enter into a contract with the said V. W. Surver for the furnishing and installing of seats and desks for training school building, Kent State Normal School, Kent, Ohio, at his bid of ten thousand dollars (\$10,000.00).

Finding said contract and bond submitted for my approval 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.

14.

JUSTICE OF PEACE--TOWNSHIP BOARD OF TRUSTEES--VACANCY--WHO HAS POWER TO APPOINT--SECTION 3262 G. C.--UNDER SECTION 138 G. C. JUSTICE OF PEACE MUST HAVE LEGAL CERTIFICATE--COMMISSION FROM GOVERNOR.

SYLLABUS:

1. *Section 3262 of the General Code provides that when there is a vacancy in a township board of trustees, the justice of the peace holding the oldest commission, or when the commissions of two or more justices bear even date, the justice oldest in*