

I have noted the extension of time granted to the contractor by Hon. Geo. F. Schlesinger, Director of Highways and Public Works, a copy of which is attached to each of these contracts, to March 1st, 1927, which makes it possible in each case for the contractor to complete the work within the time specified after the signing of the contract.

With these contracts 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 for each of said contracts upon which the Aetna Casualty and Surety Company appears as surety, sufficient to cover the amount set forth in each of said contracts respectively. You have also obtained consent of said Aetna Casualty and Surety Company to the continuing into effect of each of said bonds during the extension of time given to the contractors by authority of the Director of Highways and Public Works.

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.

Finding said contracts and bonds 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.

30.

APPROVAL, FINAL RESOLUTION, SECTION H.—BRIDGE—I. C. H. NO.
387, MONROE COUNTY, OHIO.

COLUMBUS, OHIO, January 31, 1927.

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

31.

VIOLATION OF SECTIONS 6212-13 TO 6212-20 G. C.—PROSECUTION FOR
"THIRD OFFENSE" CANNOT BE INSTITUTED AND MAINTAINED
AGAINST DEFENDANT WHERE "SECOND OFFENSE" INVOLVED—
ERROR PROCEEDING IN HIGHER COURT.

SYLLABUS:

A prosecution for a third offense for violation of Sections 6212-13 to 6212-20 of the General Code, cannot be instituted and maintained against a defendant where the case involving the second offense has not been finally determined but is pending in a higher court on error proceedings.

Where there has been two or more prior convictions for violations of Sections 6212-13 to 6212-20 of the General Code, it is not essential that there be a record of a