

3357.

APPROVAL, CONTRACT BETWEEN STATE OF OHIO AND D. B. HUSSEY, COLUMBUS, OHIO, COVERING CONSTRUCTION AND COMPLETION OF GENERAL CONTRACT AND ELECTRICAL WORK FOR SESQUI-CENTENNIAL EXPOSITION BUILDING, PHILADELPHIA, PA., AT AN EXPENDITURE OF \$13,525.00—SURETY BOND EXECUTED BY THE INDEPENDENCE INDEMNITY COMPANY.

COLUMBUS, OHIO, May 17, 1926.

HON. G. F. SCHLESINGER, *Director 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, for and on behalf of the Sesqui-Centennial Commission, and D. B. Hussey, of Columbus, Ohio. This contract covers the construction and completion of the General Contract and Electrical Work for the Sesqui-Centennial Exposition Building, Philadelphia, Pa., and calls for an expenditure of \$13,525.00.

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. There has further been submitted a contract bond upon which the Independence Indemnity Company appears as surety, sufficient to cover the amount of the contract.

You have further submitted evidence indicating that the Board of Control waived the advertising requirement, and authorized construction of this work by force account. Also it appears that the laws relating to the status of surety companies and the workmen's compensation have been complied with.

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,

C. C. CRABBE,
Attorney General.

3358.

APPROVAL, CONTRACT BETWEEN STATE OF OHIO AND NOLZE & NORTON, COLUMBUS, OHIO, COVERING CONSTRUCTION AND COMPLETION OF A STATE ARMORY AT CHILLICOTHE, OHIO, AT AN EXPENDITURE OF \$85,350.00—CONTRACT BOND EXECUTED BY THE FIDELITY & DEPOSIT COMPANY OF MARYLAND.

COLUMBUS, OHIO, May 18, 1926.

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

DEAR SIR:—You have submitted for my approval a contract between the State of Ohio, acting by the Adjutant General, and Nolze & Norton, of Columbus, Ohio. This contract covers the construction and completion of a state armory at Chillicothe, Ohio, and calls for an expenditure of \$85,350.00.

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. There has further been submitted a contract bond upon which the Fidelity and Deposit Company of Maryland 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.

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,
C. C. CRABBE,
Attorney General.

3359.

DISAPPROVAL, BONDS OF ORANGE TOWNSHIP RURAL SCHOOL DISTRICT, CUYAHOGA COUNTY, \$5,000.00.

COLUMBUS, OHIO, May 17, 1926.

Re: Bonds of Orange Township Rural School District, Cuyahoga County, \$5,000.00.

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

GENTLEMEN:—An examination of the transcript submitted in connection with the foregoing issue of bonds discloses that said bonds have been issued under the provisions of section 7630-1 of the General Code. The issue is based upon a school order prohibiting the use of the former school building, which said order is signed by T. P. Kearns, Chief of the Division.

In the case of Industrial Commission of Ohio et al. vs. Snyder, in which the decision of the Supreme Court was rendered October 22, 1925, the Court held as follows:

“The provisions of such Code require the administration of the affairs of that department by the Director of Industrial Relations and provide for the keeping within the department such records and journals as are necessary to exhibit its official acts and proceedings. A letter addressed to the board of education, signed only by the Chief of the Division of Factory Inspection, giving notice that the use of the school building is prohibited, unless designated changes are made by a specified time, there being no record of any official action by the department with reference to such matter, or showing any authority conferred upon the chief of the Division of Factory Inspection relative thereto, is not an order of the department whereon may be predicated action by the board of education to issue and sell bonds of the district for the erection of a school building pursuant to the provisions of section 7630-1 General Code, as it existed April 9, 1923.”

You are therefore advised not to purchase said bonds.

Respectfully,
C. C. CRABBE,
Attorney General.