

In view of the rule and the action taken, it appears to be clear that it was the intent of the House of Representatives to reject the bill, and it is believed that such action, under the circumstances, should be construed as a rejection, in view of the constitutional provision referred to.

Respectfully,
C. C. CRABBE,
Attorney-General.

2281.

APPROVAL, FINAL RESOLUTION, ROAD IMPROVEMENT IN BELMONT COUNTY.

COLUMBUS, OHIO, March 13, 1925.

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

2282.

DISAPPROVAL, BONDS OF VILLAGE OF SHADYSIDE, BELMONT COUNTY.
\$3,180.00.

COLUMBUS, OHIO, March 12, 1925.

Re: Bonds of Village of Shadyside, Belmont County, \$3,180.00.

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

GENTLEMEN:—I have examined the transcript submitted for the foregoing issue of bonds and find that I cannot approve the same for the following reasons:

1. The transcript contains proof of publication of the notice of bond sale and in one instance recites that publication was made for four weeks, the last publication thereof being on January 30, 1925, and giving notice of the sale of bonds on February 2, 1925. The other publication recites that notice was published for four weeks, commencing on January 9, 1925, and giving notice of the sale on February 2, 1925. Section 3924 G. C. provides in part that such publication shall be given for a period of four weeks.

In the case of State of Ohio vs. Kuhner and King, 107 O. S., page 406, the court held as follows:

“The requirement of section 1296 General Code, that ‘the state highway commissioner shall advertise for bids for two consecutive weeks’ is mandatory, and the contract entered on June 14 for advertisement in two weekly newspapers of the county on June 6th and June 13th is invalid.”

2. Transcript shows that council voted on the motion for the first reading of the bond ordinance, and also on the motion for final passage of the ordinance, but does not show that there was any vote of the members of council on the suspension of the rules for the second and third reading.

Transcript is incomplete as to compliance with the statutes in other respects, so

that it is impossible to approve the legality of the issue, and as the issue cannot be approved for the reasons set forth herein, you are advised not to purchase said bonds.

Respectfully,

C. C. CRABBE,
Attorney-General.

2283.

APPROVAL, BONDS OF CITY OF WASHINGTON, FAYETTE COUNTY,
\$13,180.00.

COLUMBUS, OHIO, March 12, 1925.

Retirement Board, State Teachers Retirement System, Columbus, Ohio.

2284.

APPROVAL, CONTRACT BETWEEN STATE OF OHIO AND J. H. MYERS
PLUMBING AND HEATING COMPANY, MT. VERNON, OHIO, FOR
CONSTRUCTION AND COMPLETION OF HEATING IN COTTAGE FOR
MASSILLON STATE HOSPITAL, MASSILLON, OHIO, AT COST OF \$5,-
800.00. SURETY BOND EXECUTED BY THE STANDARD ACCIDENT
INSURANCE COMPANY.

COLUMBUS, OHIO, March 13, 1925.

HON. L. A. BOULAY, *Director, Department of Highways and Public Works, Columbus, O.*

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 the J. H. Myers Plumbing and Heating Company, of Mt. Vernon, Ohio. This contract covers the construction and completion of heating in cottage for Massillon State Hospital, Massillon, Ohio, and calls for an expenditure of \$5,800.00.

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 Standard Accident Insurance 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.

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.