

2614.

APPROVAL, DEFICIENCY BONDS OF VILLAGE OF LONDON, MADISON COUNTY, OHIO.

COLUMBUS, OHIO, November 22, 1921.

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

2615.

APPROVAL, CONTRACTS WITH ALPHONS CUSTODIS COMPANY, NEW YORK CITY, LITTLEFORD BROS., CINCINNATI, JOSEPH WESPISER, OXFORD, OHIO, FOR CONSTRUCTION OF BRICK CHIMNEY AND BOILERS AT MIAMI UNIVERSITY, OXFORD, OHIO, AT A COST OF \$9,028.

COLUMBUS, OHIO, November 22, 1921.

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

GENTLEMEN:—Your letter of November 9, 1921, was duly received, submitting for my examination three several contracts for the construction of a brick chimney; breeching work in connection with the new brick chimney and present boilers; and foundation work in connection with said brick chimney, all of the work to be done for Miami University, Oxford, Ohio.

The proposed contracts are signed by Alphons Custodis Company, New York City, for the chimney; Littleford Bros., Cincinnati, Ohio, for the breeching work, and Joseph Wespiser, Oxford, Ohio, for the foundation,—the respective contract prices being \$6,700.00, \$1,478.00 and \$850.00.

It has been found on a personal call at your department that the plans and specifications for the proposed work have been approved by the board of trustees of Miami University. The papers submitted show that the controlling board has granted the request of the trustees of Miami University to do the work without advertising for competitive bids, but with the understanding that competitive bids be received. Such papers further show that competitive bids were received for the three branches of the work, there being eight bids for the brick chimney, three bids for the breeching and three bids for the foundation. It further appears from such papers that you have made the award to the three bidders recommended by the board of trustees of Miami University.

The proposed contracts as submitted have been signed on behalf of the state by your department. In each case the proposed contract is accompanied by a bond in the statutory form and amount, the Custodis Company's bond being executed by Royal Indemnity Company, Littleford Bros. bond by Fidelity & Deposit Company of Maryland, and Joseph Wespiser bond by Frank Halter and A. D. VanAusdall. Each contractor has also furnished the certificate of the industrial commission showing compliance with the workmen's compensation law; and in addition the Custodis Company has furnished the certificate of the secretary of state showing that it has designated an agent in Ohio for the purpose of accepting summons. You have also submit-

ted with the papers the certificate of the department of finance showing funds appropriated and available in the amounts of the several contracts.

Finding, as I do, that the proceedings in respect to these several proposed contracts have been in conformity to law, and that the proposed contracts themselves are in proper form, I am endorsing my approval thereon, and am returning them herewith, together with all accompanying papers as above noted.

Respectfully,
JOHN G. PRICE,
Attorney-General.

2616.

APPROVAL, BONDS OF CITY OF SPRINGFIELD, OHIO, IN AMOUNT OF \$40,000 FOR STREET IMPROVEMENTS.

COLUMBUS, OHIO, November 22, 1921.

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

2617.

TOWNSHIP MEMORIAL BUILDING—WHERE FOUR TOWNSHIPS VOTE UPON BOND ISSUE—THREE RETURN NEGATIVE VOTE—EFFECT OF SUCH VOTE.

Where four townships have voted under authority of sections 3410-1 to 3410-11 G. C. upon the question of authorizing the bonds of the township for the proportionate share of the township in the cost of erecting a memorial building at the expense of such four townships, three of the townships returning a negative vote, and one an affirmative vote, the aggregate vote for the four townships being affirmative, HELD,

1. *The three townships returning a negative vote are neither required nor authorized to issue bonds for the proposed building.*
2. *The township returning an affirmative vote is not authorized to issue bonds and use the proceeds for the erection of a single township building.*

COLUMBUS, OHIO, November 23, 1921.

HON. ALLAN G. AIGLER, *Prosecuting Attorney, Norwalk, Ohio.*

DEAR SIR:—Your letter of recent date is received, reading:

“Under sections 3410-1 and 3410-2 of the General Code, the question of issuing bonds in the sum of eighty thousand dollars (\$80,000.00) for a joint memorial building was submitted to the electors of four townships in Huron county, at the regular election held November 8th, 1921. In three of said townships a majority of the electors voted against the proposed bond issue, while in the fourth township the bond issue carried by so large a majority that, taking the four townships together, there was a majority in favor of the bond issue.