

2385.

APPROVAL, CONTRACT BETWEEN STATE OF OHIO AND SAMUEL A. ESSWEIN HEATING AND PLUMBING COMPANY, OF COLUMBUS, OHIO, FOR CONSTRUCTION AND COMPLETION OF THE HEATING AND PLUMBING CONTRACT FOR THE PRESIDENT'S RESIDENCE, OHIO STATE UNIVERSITY, AT COST OF \$8,450.00—SURETY BOND EXECUTED BY THE INDEMNITY INSURANCE COMPANY OF NORTH AMERICA.

COLUMBUS, OHIO, April 14, 1925.

HON. L. A. BOULAY, *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 the Samuel A. Esswein Heating and Plumbing Company, of Columbus, Ohio. This contract covers the construction and completion of the heating and plumbing contract for the President's residence, Ohio State University, and calls for an expenditure of \$8,450.00.

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 Indemnity Insurance Company of North America 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.

2386.

APPROVAL, CONTRACT BETWEEN STATE OF OHIO AND THE SHEPARD ELEVATOR COMPANY, OF CINCINNATI, OHIO, FOR CONSTRUCTION AND COMPLETION OF TWO ELECTRIC PASSENGER ELEVATORS IN THE STARLING LOVING HOSPITAL, OHIO STATE UNIVERSITY, AT COST OF \$8,500.00—SURETY BOND EXECUTED BY THE AETNA CASUALTY AND SURETY COMPANY.

COLUMBUS, OHIO, April 14, 1925.

HON. L. A. BOULAY, *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 The Shepard Elevator Company, of Cincinnati, Ohio. This contract covers the construction and

completion of two Electric Passenger Elevators in the Starling Loving Hospital, Ohio State University, and calls for an expenditure of \$8,500.00.

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 upon which The Aetna Casualty and Surety 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.

2387.

QUESTION OF WHETHER A FOREIGN CORPORATION IS A CORPORATION NOT FOR PROFIT IS A QUESTION OF FACT—ARTICLES OF INCORPORATION OR LAWS OF FOREIGN STATE NOT CONCLUSIVE.

SYLLABUS:

The question of whether a foreign corporation is a corporation not for profit, as distinguished from corporations for profit, within the purview of the securities law of this state, is a question of fact to be determined by the Chief of the Division of Securities. In the determination of said question, the Chief of the Division of Securities is not bound by the statements of the articles of incorporation or the laws of a foreign state that it is a corporation not for profit.

COLUMBUS, OHIO, April 16, 1925.

HON. CYRUS LOCHER, *Director of Commerce, Columbus, Ohio.*

DEAR SIR:—I acknowledge receipt of your letter of recent date which reads in part as follows:

“The Grain Marketing Company of Chicago has filed certain papers in the Division of Securities, claiming that this company is exempt from the provisions of the Securities Act because the company is incorporated under the Co-operative Marketing Act of Illinois, and that Ohio has a co-operative marketing act of a similar character.”

You submit questions as follows:

- ° 1. Whether the Division of Securities has any duty to perform in the premises or whether the Grain Marketing Company is at liberty to sell its 8% preferred stock in Ohio without reference to the Securities Law of this state.