

Ohio State University, Columbus, Ohio, and the Brooke Electric Company of Columbus, Ohio. This contract covers the construction and completion of electrical contract (Division 3, Item 15), as set forth in the General Conditions of the Specifications for Additions to Botany and Zoology Building on the campus of Ohio State University, and covered by the Form of Proposal dated November 28, 1930. Said contract calls for an expenditure of five thousand and sixty-five dollars (\$5,065.00).

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. You have also shown that the Controlling Board has approved the expenditure as required by Section 11 of House Bill No. 510 of the 88th General Assembly. In addition, you have 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,

GILBERT BETTMAN,

Attorney General.

2729.

APPROVAL, CONTRACT BETWEEN THE STATE OF OHIO AND THE HUFFMAN-WOLFE COMPANY OF COLUMBUS, OHIO, FOR HEATING AND PLUMBING FOR ADDITIONS TO BOTANY AND ZOOLOGY BUILDING AT OHIO STATE UNIVERSITY AT AN EXPENDITURE OF \$36,532.00—SURETY BOND EXECUTED BY THE SOUTHERN SURETY COMPANY OF NEW YORK.

COLUMBUS, OHIO, December 29, 1930.

HON. ALBERT T. CONNAR, *Superintendent of Public Works, Columbus, Ohio.*

DEAR SIR:—You have submitted for my approval a contract between the State of Ohio, acting by the Department of Public Works, for the Board of Trustees of the Ohio State University, Columbus, Ohio, and the Huffman-Wolfe Company of Columbus, Ohio. This contract covers the construction and completion of heating and plumbing contract (Division 2, Items 13 and 14), as set forth in the general conditions of the specifications for additions to Botany and Zoology Building on the campus of Ohio State University, and covered by the Form of Proposal dated November 28, 1930. Said contract calls for an expenditure of thirty-six thousand five hundred and thirty-two dollars (\$36,532.00).

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. You have shown that the Controlling Board has approved the expenditure as required by Section 11 of House Bill 510 of the 88th General Assembly. In addition, you have submitted a contract bond, upon which the Southern Surety Company of New York 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,
GILBERT BETTMAN,
Attorney General.

2730.

SCHOOL DISTRICTS—TRANSFER OF TERRITORY CONTROLLED BY SECTION 4692, GENERAL CODE—COUNTY BOARD OF EDUCATION SHOULD MAKE AN EQUITABLE DIVISION OF THE FUNDS AND INDEBTEDNESS BETWEEN SCHOOL DISTRICTS INVOLVED.

SYLLABUS:

1. *Transfers of school territory between districts of the same county school district are controlled by Section 4692, General Code.*
2. *The principles of equity and fair dealing should be followed by a county board of education in making an equitable division of the funds and indebtedness between school districts involved in a transfer of territory.*

COLUMBUS, OHIO, December 29, 1930.

HON. FRANK F. COPE, *Prosecuting Attorney, Carrollton, Ohio.*

DEAR SIR:—This will acknowledge receipt of your request for my opinion, which reads as follows:

"Considerable dispute has arisen under Sections 4692 and 4696, of the General Code, relative to the transfer of territory from one school district to another in Harrison Township of this county. A block of territory represented by approximately 90% of the persons residents therein, have made application to the county board of education to transfer their territory from Harrison Township to Center Township School District. These are both township school districts.

In Orange Township of this county, we have a block in which approximately 80% of the qualified electors residing therein are anticipating application for transfer to the Bowerston Special School District, Monroe Township, Harrison County, Ohio.

We desire your opinion as to the necessity of county boards to make these transfers upon the presentations of petitions. I understand you have a recent opinion under Section 4692, relative to this section being mandatory. If so, may I please have a copy of this opinion, as well as a specific answer to my questions.

In the proposition referred to above relative to the transfer in Orange Township, the Orange Township Rural School has just voted a \$34,000.00 bond issue. The Bowerston Special School District already has a \$20,000.00 bond issue. What division would be made if a block were transferred from Orange Township to Bowerston Special School District of this indebtedness, and what proportionate share, if any, would the residents of Orange Township have to pay? If Orange Township had voted before the application for