

784.

APPROVAL, CONTRACT BETWEEN THE STATE OF OHIO AND ROBERT H. EVANS & COMPANY, COLUMBUS, OHIO, FOR CONSTRUCTION OF PHARMACY AND BACTERIOLOGY BUILDING, OHIO STATE UNIVERSITY, COLUMBUS, OHIO, AT AN EXPENDITURE OF \$184,919.00—SURETY BOND EXECUTED BY THE AMERICAN SURETY COMPANY OF NEW YORK.

COLUMBUS, OHIO, August 23, 1929.

HON. RICHARD T. WISDA, *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, and Robert H. Evans and Company, of Columbus, Ohio. This contract covers the construction and completion of general contract, Items 1-17, inclusive, as set forth in the specifications for "Pharmacy and Bacteriology Building," and calls for an expenditure of one hundred eighty-four thousand, nine hundred nineteen dollars (\$184,919.00).

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 furnished evidence to the effect that the consent of the Controlling Board to the expenditure has been obtained, 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 American 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 act 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.

785.

APPROVAL, CONTRACT BETWEEN THE STATE OF OHIO AND ELECTRIC CONSTRUCTION AND MAINTENANCE COMPANY, COLUMBUS, OHIO, FOR ELECTRICAL WORK FOR PHARMACY AND BACTERIOLOGY BUILDING, OHIO STATE UNIVERSITY, COLUMBUS, OHIO, AT AN EXPENDITURE OF \$7,036.00—SURETY BOND EXECUTED BY THE GLOBE INDEMNITY COMPANY.

COLUMBUS, OHIO, August 23, 1929.

HON. RICHARD T. WISDA, *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, and Electric Construction and Maintenance Company, of Columbus, Ohio. This contract covers the construction and completion of Electrical Contract Item 19, as set forth in the specifications for "Pharmacy and Bacteriology Building," and calls for an expenditure of seven thousand and thirty-six dollars (\$7,036.00).

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 furnished evidence to the effect that the consent of the Controlling Board to the expenditure has been obtained, 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 Globe Indemnity Company, of Newark, N. J., 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 act 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.

786.

SCHOOL DISTRICTS—TRANSFER OF TERRITORY UNDER SECTION
4696, GENERAL CODE—DIVISION OF FUNDS AND INDEBTEDNESS
—NO APPEAL THEREFROM.

SYLLABUS:

Where a transfer of school territory is made by authority of Section 4696, G. C., and an equitable division of funds is made between the districts involved in the transfer, there is no method provided by statute for review of the action of a County Board of Education in making a division of funds and indebtedness, and there is no method provided by statute for an appeal therefrom. If the County Board of Education abuses its discretion in making an equitable division of funds and indebtedness between two school districts involved in a transfer of school territory such abuse of discretion may be remedied by proper action in court.

COLUMBUS, OHIO, August 23, 1929.

HON. W. W. BADGER, *Prosecuting Attorney, Millersburg, Ohio.*

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

"Holmes County Board of Education transferred territory (contiguous) from the Glenmont Rural School District to the Brink Haven School District in Knox County, upon a petition of 75% of the electors of the territory sought to be transferred which we consider was O. K. and no dispute about, under G. C. 4696.