

the vacancy in the office of justice of the peace. The justice who is now remaining would not, of course, be called upon to determine whether or not there is a vacancy in the office of the justice who has been taken from the district by operation of law, were it not for the fact that his power to make the appointment of members of the board of trustees depends upon whether or not the vacancy has occurred in the office of the justice.

In view of the foregoing, it is believed that a more specific answer may not be made to the inquiries you have propounded. However, it is believed the rules of law hereinbefore mentioned will enable you to determine the proper solution to the problems before you when you applied the facts.

Respectfully,  
GILBERT BETTMAN,  
*Attorney General.*

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2348.

APPROVAL, CONTRACT BETWEEN STATE OF OHIO AND ELECTRIC CONSTRUCTION AND MAINTENANCE COMPANY, COLUMBUS, OHIO, FOR ELECTRICAL WORK ON PHYSICAL EDUCATION BUILDING, OHIO STATE UNIVERSITY, AT AN EXPENDITURE OF \$7,952.00—SURETY BOND EXECUTED BY THE SEABOARD SURETY COMPANY OF NEW YORK.

COLUMBUS, OHIO, September 16, 1930.

HON. A. 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 Ohio State University, and Electric Construction and Maintenance Company, of Columbus, Ohio. This contract covers the construction and completion of electrical contract, together with Alternates A and B, as covered by the form of proposal dated September 2, 1930, and calls for an expenditure of seven thousand nine hundred and fifty-two dollars (\$7,952.00).

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 in accordance with Section 11 of House Bill 510 of the 88th General Assembly. In addition you have submitted a contract bond upon which the Seaboard 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.*