

2569.

APPROVAL, CONTRACT BETWEEN STATE OF OHIO AND THE WILLIAM MOORE COMPANY, OF CLEVELAND, OHIO, FOR CONSTRUCTION AND COMPLETION OF AN ARTILLERY BARN TO BE ERRECTED AT LAKEWOOD, OHIO, AT COST OF \$13,867.00. SURETY BOND EXECUTED BY THE FIDELITY AND DEPOSIT COMPANY OF MARYLAND.

COLUMBUS, OHIO, June 15, 1925.

HON. FRANK D. HENDERSON, *Adjutant General, Columbus, Ohio.*

DEAR SIR:—You have submitted for my approval a contract between the state of Ohio, acting by the adjutant general, and The William Moore Company, of Cleveland, Ohio. This contract covers the construction and completion of an artillery barn to be erected at Lakewood, Ohio, and calls for an expenditure of \$13,867.00.

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 Fidelity and Deposit Company of Maryland appears as surety, sufficient to cover the amount of the contract.

You have submitted evidence indicating that notice to bidders was properly given and that all the bids were above the estimates. It further appears that the board of control granted permission to revise specifications and to eliminate certain provisions so as to bring the contract price within the estimate of \$14,000, and further authorized the awarding of the contract to one of the two firms making the lowest bids on the original plans without readvertising. 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.*

2570.

DISAPPROVAL, BONDS OF CITY OF WILMINGTON, CLINTON COUNTY, \$9,636.75.

COLUMBUS, OHIO, June 15, 1925.

Re: Bonds of City of Wilmington, Clinton County, \$9,636.75.

*Retirement Board, State Teachers Retirement System, Columbus, Ohio.*

GENTLEMEN:—The transcript submitted in connection with the foregoing issue of bonds shows that these bonds are being issued under the provisions of section 3914 G. C. for paying the property owners' share of the cost of street improvements, and also discloses that the declaratory resolution providing for the improvement was published in one newspaper of the city, and that the assessing ordinance,

making the assessments against the abutting property owners to pay the property owners' cost of the improvement has not been published. All other resolutions and ordinances in connection with the improvement have been published in two newspapers of opposite politics in the city.

Section 4228 G. C. provides:

"Unless otherwise specifically directed by statute, all municipal ordinances, resolutions, statements, orders, proclamations, notices and reports, required by law or ordinance to be published, shall be published as follows: In two English newspapers of opposite politics printed and of general circulation in such municipality, then in any English newspaper printed and of general circulation therein; if no English newspaper is printed and of general circulation in such municipality, then in any English newspaper of general circulation therein or by posting as provided in section 4232 of the General Code, at the option of council. Proof of the place of printing and required circulation of any newspaper used as a medium of publication hereunder shall be made by affidavit of the proprietor of either of such newspapers, and shall be filed with the clerk of the council."

There has been some correspondence upon the question as to whether or not the newspapers published in the city of Wilmington come within this classification as set out in said section 4228 G. C., and upon request by this department that certificate be furnished to that effect, communication has been received that such requirement cannot be complied with.

You are therefore advised that the proceedings had by the council of the city of Wilmington for this issue of bonds have not been published in accordance with the statutory provisions calling for such publication, and to this extent the bonds have not been issued in compliance with statutory provisions. You are therefore advised not to accept said bonds.

Respectfully,

C. C. CRABBE,

*Attorney General.*

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2571.

ABSTRACT, STATUS OF TITLE, 146 ACRES OF LAND SITUATED IN  
BENTON TOWNSHIP, HOCKING COUNTY, OHIO.

COLUMBUS, OHIO, June 17, 1925.

HON. EDMUND SECRIST, *State Forester, Ohio Agricultural Experiment Station, Wooster, Ohio.*

DEAR SIR:—An examination of a deed, abstract of title and encumbrance estimate submitted by you to this department, discloses the following:

The abstract under consideration was prepared by Harley M. Whitcraft, Abstracter, under date of December 29, 1924. The abstract was later supplemented by the addition of two affidavits, one under date of December 27, 1924, and one under date of January 22, 1925, these affidavits being inserted at the suggestion of this department in order to cover certain defects in the history of the title.

The abstract as submitted pertains to the following premises, to wit, 146 acres of land situated in Benton township, Hocking county, Ohio, and being more particularly described as follows: