

1439.

APPROVAL, BONDS OF THE VILLAGE OF JEFFERSON, MADISON COUNTY—\$41,193.20.

COLUMBUS, OHIO, December 23, 1927.

Industrial Commission of Ohio, Columbus, Ohio.

1440.

BOND—FOR LABOR AND MATERIAL ON PUBLIC BUILDINGS—LIABILITY—STATE NOT INTERESTED PARTY.

SYLLABUS:

1. Under the provisions of Section 2316, General Code, a surety company upon a bond conditioned "for the payment of all material and labor furnished for or used in the construction for which such contract is made" becomes liable for the full payment, upon default of its principal in reference to such payment, of all claims, up to the amount of the face of the bond, for labor or materials furnished upon construction work for the use of the state.

2. Laborers, material men and sub-contractors who have furnished or delivered labor or materials upon construction work for the use of the state may bring suit against a surety company upon a bond conditioned to pay such laborers and material men as provided in Section 2316, General Code. Such suit may be brought within one year from the date of delivering or furnishing such labor or material, in the Court of Common Pleas of the county wherein such labor or material was furnished or delivered. There is no provision in law whereby the state is called upon to assist such laborers or material men in making collection of their claims from the bonding company.

COLUMBUS, OHIO, December 23, 1927.

HON. HERBERT B. BRIGGS, *State Architect and Engineer, Columbus, Ohio.*

DEAR SIR:—Receipt is acknowledged of your communication of recent date requesting my opinion as follows:

"Your consideration and recommendations are respectfully requested regarding the following:—

A contract in the amount of \$20,230.00 was entered into by the state on the 5th of October, 1926, with J. J. Evans of Columbus, Ohio, for combined general plumbing, heating and ventilating, and electrical contracts for three cottages for the C. N. & I. Department of Wilberforce University, Wilberforce, Ohio. This contract was approved as being in compliance with law by you on October 19th, 1926. A state form of bond in the amount of \$21,000.00 was submitted by J. J. Evans, which bond holds the Globe Indemnity Company of Newark, New Jersey, as surety.