

to have been placed on the ballot there shall be included therein for the information of the voters a statement that "a levy of taxes be made outside of the fifteen mill limitation, estimated by the county auditor to average ----- (here insert number of mills) mills for a maximum period of ----- (here insert longest maturity) years to pay the principal and interest of such bonds." This information appears to have been omitted from the ballot used.

I call your attention to an opinion of this office, directed to Hon. Eugene S. Owen, Prosecuting Attorney, Delaware, Ohio, under date of January 5, 1929, being Opinion No. 3103, the syllabus of which is as follows:

"Under the provisions of Section 2293-23, General Code, (112 Ohio Laws 374) it is mandatory that the detailed information therein required, be placed on the ballot submitted to the voters at election. The failure to so give the detailed information, renders the election, as it pertains to the Bond Issue, invalid."

In view of the foregoing, I am of the opinion that the election authorizing the board of education of Columbia Township Rural School District to issue \$12,000.00 bonds is invalid.

The transcript is incomplete in other respects, but, in view of the foregoing, it is unnecessary to comment on any further matters pertaining thereto, and I therefore advise you not to purchase the above bonds.

Respectfully,
GILBERT BETTMAN,
Attorney General.

175.

APPROVAL, FINAL RESOLUTIONS ON ROAD IMPROVEMENTS IN
FAYETTE AND WOOD COUNTIES.

COLUMBUS, OHIO, March 8, 1929.

HON. ROBERT N. WAID, *Director of Highways, Columbus, Ohio.*

176.

DISAPPROVAL, LEASE TO OFFICE ROOMS IN ULMER BUILDING,
CLEVELAND, OHIO, FOR USE OF THE DEPARTMENT OF IN-
DUSTRIAL RELATIONS.

COLUMBUS, OHIO, March 8, 1929.

HON. RICHARD T. WISDA, *Superintendent of Public Works, Columbus, Ohio.*

DEAR SIR:—This is to acknowledge receipt of the communication from the Department of Industrial Relations over the signature of Mr. Ross Hedges, Assistant

Director, submitting for my examination and approval the proposed lease form for the lease of space in the Ulmer Building, Cleveland, Ohio, for the use of the Cleveland branch office of said Department of Industrial Relations. Upon examination of the lease form submitted, the same is disapproved for the following reasons:

1. In said lease form the named lessee is "R. T. Wįsta, Superintendent of Public Buildings, acting for the Director of the Department of Industrial Relations." The named lessee in a lease of this kind should be R. T. Wisda, Superintendent of Public Works, as Director thereof, for the use of the Department of Industrial Relations.

2. The term of the proposed lease is two years, beginning on the first day of April, 1929, and ending on the last day of March, 1931. The rental provided for in said lease is the sum of \$9,000, payable in equal monthly installments of \$375. In order to protect the Superintendent of Public Works from any claim of personal liability for the payment of the rent provided for in this lease, the same should contain the following further provision: "this lease is made subject to appropriation by the State Legislature and the Superintendent of Public Works as director thereof is relieved from all liability for the payment of rent if such appropriation is not made." A provision of this kind to the effect that the lease is made subject to the appropriation made by the State Legislature of the payment of rent is likewise necessary for the purpose of avoiding the application of the decision of the Supreme Court in the case of *State vs. Medberry*, 7 O. S. 522, to the effect "that no officers of the State can enter into any contract, except in cases specified in the constitution, whereby the General Assembly will, two years after be bound to make appropriations either for a particular object or a fixed amount."

See *State, ex rel. Ross et. al vs. Donahey, Auditor of State*, 93 O. S. 414.

3. The lease form submitted under the head of rules and regulations contains the following provisions:

"Safes and other heavy articles shall be placed by the Lessee in such places only as may be first specified in writing by the Lessor, and the Lessee shall be liable for and save the Lessor harmless from any damage to the building or property of its tenants or others or injuries sustained by any person whatsoever caused by or resulting from the moving of such articles in or out of the demised premises, or from overloading a floor, or in any other manner."

As to these provisions in the lease, it is to be noted that you do not have any authority by the execution of this lease contract to impose any liability upon the State of Ohio or any department thereof, or assume on behalf of the State or any department thereof any liability of the kind specified in said provision.

4. In the lease form submitted, an attempt is made to provide for an option to renew the lease. This is stated in the lease form as follows: "with an option to renew for a further period of two years upon the same terms." This provision is too indefinite. Provision should be made by appropriate terms giving the lessee an option to renew said lease for a further period of two years upon the same terms and conditions in the first lease, and stating the time and manner in which said option is to be exercised.

No encumbrance estimate executed by the Director of Finance under the provisions of Section 2282-2, General Code, was submitted with said lease form, and no opinion is expressed at this time with respect to this requirement.

When a proper lease is executed in accordance with the above suggestions, the same, together with an encumbrance estimate, should be submitted to this department for examination and approval.

I am herewith returning the triplicate copies of the lease form submitted, together with correspondence of the Department of Industrial Relations relating to said proposed lease.

Respectfully,
GILBERT BETTMAN,
Attorney General.

177.

APPROVAL, BOND FOR THE FAITHFUL PERFORMANCE OF HIS DUTIES AS RESIDENT DISTRICT DEPUTY DIRECTOR—ROBERT H. HORN.

COLUMBUS, OHIO, March 8, 1929.

HON. ROBERT N. WAID, *Director of Highways, Columbus, Ohio.*

DEAR SIR:—You have submitted for my consideration a bond, in the sum of five thousand dollars, and conditioned for the faithful performance of the duties of the principal as resident district deputy director, as follows:

Robert H. Horn, principal (Darke County), upon which the Ohio Casualty Insurance Company appears as surety.

The above bond is given in pursuance to the provisions of Section 1182 of the General Code, which section specifically requires that resident district deputy directors give bond in the amount above indicated with sureties to your approval. The bond has been properly executed and bears your approval thereon.

It is further noted that in the official roster of the Division of Insurance the surety heretofore mentioned has been duly authorized to transact business in Ohio.

In view of the foregoing, I have approved said bond as to form and return the same herewith.

Respectfully,
GILBERT BETTMAN,
Attorney General.

178.

APPROVAL, NOTES OF MIAMI TOWNSHIP RURAL SCHOOL DISTRICT, CLERMONT COUNTY—\$55,000.00.

COLUMBUS, OHIO, March 8, 1929.

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