

Lake, made under the direction of the State Board of Public Works in 1909, with the privilege of erecting and maintaining a boathouse along the same with a frontage of twelve (12) feet, upon condition that the lessee therein named provides a walkway twelve (12) feet wide for the use of the public as a detour around said boathouse, both ends of which walkway shall connect with the reservoir berme embankment.

Upon examination of this lease, I find that the same has been properly executed by you as Conservation Commissioner, acting on behalf of the State of Ohio, and by Maud C. Antill, the lessee therein named. Upon examination of the provisions of this lease and the conditions and restrictions therein contained, I find the same to be in conformity with the provisions of Section 471 and of other sections of the General Code relating to leases of this kind.

I am, accordingly, approving this lease as to legality and form, as is evidenced by my approval endorsed upon the lease and upon the duplicate and triplicate copies thereof, all of which are herewith returned.

Respectfully,

HERBERT S. DUFFY,
Attorney General.

479.

APPROVAL—CERTIFICATION OF PROPOSED AMENDED
HOUSE BILL No. 206, OF 92nd GENERAL ASSEMBLY.

COLUMBUS, OHIO, April 16, 1937.

HON. ED. D. SCHORR, *Republican State Headquarters, Deshler-Wallick Hotel, Columbus, Ohio.*

DEAR SIR: You have submitted for my examination a written petition signed by one hundred qualified electors of this state containing a measure to be referred and a summary of the same under Section 4785-175, General Code.

It is proposed to refer to the electors of this state Amended House Bill No. 206 of the 92nd General Assembly entitled "An act to amend Section 2397 of the General Code, relating to the appointment of county commissioner and to declare an emergency," which act reads as follows:

"Be it enacted by the General Assembly of the State of Ohio:

Section 1. That Section 2397 of the General Code be amended to read as follows:

Sec. 2397. If a vacancy in the office of commissioner occurs more than thirty days before the next election for state and county officers, a successor shall be elected thereat. If a vacancy occurs more than thirty days before such election, or within that time, and the interest of the county requires that the vacancy be filled before the election, the remaining commissioners and engineer of the county, or a majority of them, shall appoint a commissioner, who shall hold his office until his successor is elected and qualified.

Section 2. That existing Section 2397 of the General Code is hereby repealed.

Section 3. This act is hereby declared to be an emergency and necessary for the immediate preservation of the public peace, health and safety.

The reason for such necessity is that, under the existing law, in case of death of a county commissioner, the appointment is to be made by persons who have no connection with the work of the county commissioners and who, from their training, are not sufficiently qualified to select the successors, and, in case of the death or resignation of a county commissioner, it would be beneficial to the preservation of the public peace, health and safety for a successor to be appointed by persons familiar with the work of said county commissioners. Therefore, this act shall go into immediate effect."

The summary of this measure to be referred reads as follows:

"Section 2397 of the General Code of Ohio as enacted by the 50th General Assembly of Ohio in the year 1853 provides that appointments to fill vacancies occurring in the office of county commissioner shall be made by the probate judge, auditor, and recorder of the county, or a majority of them.

Amended House Bill No. 206, passed by the 92nd General Assembly of Ohio March 30, 1937, amends said Section 2397 of the General Code of Ohio so as to provide that appointments to fill vacancies occurring in the office of county commissioner shall be made by the remaining county commissioners and the engineer of the county, or a majority of them.

Said Amended House Bill No. 206 also contains a provision declaring it to be an emergency law necessary for the immediate preservation of the public peace, health and safety. Said provision declares that 'the reason for such necessity is that, under the existing law, in case of death of a county commissioner, the appointment is to be made by persons who have

no connection with the work of the county commissioners and who, from their training, are not sufficiently qualified to select the successors, and, in the case of the death or resignation of a county commissioner, it would be beneficial to the preservation of the public peace, health and safety for a successor to be appointed by persons familiar with the work of said county commissioners.' Said provision further provides that therefore said Amended House Bill No. 206 shall go into effect immediately upon being passed by the General Assembly and approved by the Governor."

You will observe that Amended House Bill No. 206 was declared to be an emergency and necessary for the immediate preservation of the public peace, health and safety. I am not unmindful of the fact that under Article II, Section 1d of the Constitution of the State of Ohio, emergency laws necessary for the immediate preservation of the public peace, health or safety, are not subject to referendum.

However, under Section 4785-175, General Code, there is a duty imposed upon me as Attorney General of Ohio to certify a summary if in my opinion the summary is a fair and truthful statement of the measure to be referred. Inasmuch as it is my opinion that the foregoing summary is a fair and truthful statement of the measure to be referred, I accordingly submit for uses provided by law the following certification:

"Without passing upon the legality of referring to the electors of this state Amended House Bill No. 206 but pursuant to the duties imposed upon me under the provisions of Section 4785-175, General Code, I hereby certify that the foregoing summary is a fair and truthful statement of Amended House Bill No. 206 of the 92nd General Assembly. HERBERT S. DUFFY, Attorney General."

Respectfully,

HERBERT S. DUFFY,

Attorney General.

480.

FINANCE COMPANY—INTEREST GREATER THAN 8%—EN-
GAGING IN BUSINESS OF MAKING LOANS—LICENSE.

SYLLABUS:

Where a finance company purchasing a note from an automobile