

One of the exceptions to the general rule, that where one contracts absolutely and unequivocally to do something possible to be done, he must make his promise good, is where subsequent impossibility of performance is imposed by law. See Ohio Jurisprudence, Vol. 9, Page 550. In the same volume, page 556 it is stated:

“Where laws subsequently enacted and which could not reasonably have been contemplated, render the performance thereunder unlawful, the contract is at an end because its performance is forbidden and both parties thereto are released from their obligations.”

I am, therefore, of the opinion, in specific answer to your question:

1. All contracts for the transportation of school children in city, rural and village school districts, whenever made, are subject to the provisions of Section 7731-3 General Code as enacted in House Bill 232 of the 91st General Assembly.

2. On and after September 5, 1935 all drivers of conveyances for the transportation of school children to and from public schools or public school functions, should be at least 21 years of age.

Respectfully,

JOHN W. BRICKER,
Attorney General.

4470.

DISAPPROVAL, BONDS OF SALISBURY TOWNSHIP RURAL
SCHOOL DISTRICT, MEIGS COUNTY, OHIO, \$1,992.00.

COLUMBUS, OHIO, July 27, 1935.

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

GENTLEMEN:—

RE: Bonds of Salisbury Township Rural School District,
Meigs County, Ohio, \$1,992.00.

I have examined the transcript of the proceedings relating to the above bond issue. These bonds are proposed to be issued under the provisions of House Bill No. 11 of the third special session as amended by Amended House Bill No. 140 of the second special session of the 90th General Assembly. The purpose of this bond issue is to pay the net floating indebtedness of the school district as of July 1, 1934, as certified by the State Auditor. The proceeds, of course, can be used only for paying such indebtedness.

According to the statement of the school district, this indebtedness has all been paid and, therefore, I am of the view that these bonds cannot be lawfully issued and advise you not to purchase the same.

Respectfully,

JOHN W. BRICKER,
Attorney General.

4471.

APPROVAL, LEASE TO LAND IN ADAMS TOWNSHIP, SENECA
COUNTY, OHIO, FOR STATE GAME REFUGE PURPOSES
—OSCAR MYERS.

COLUMBUS, OHIO, July 29, 1935.

HON. L. WOODDELL, *Conservation Commissioner, Columbus, Ohio.*

DEAR SIR:—This is to acknowledge the receipt of your recent communication with which you enclose for my examination and approval a certain land lease in triplicate executed to the State of Ohio by one Oscar Myers. By this lease, which is one for a stated term of five years, there is leased and demised to the state, for state game refuge purposes, two tracts or parcels of land in Adams Township, Seneca County, Ohio, which aggregate in amount 360 acres and which are more particularly described as follows:

Being the East half of Section 18 in Township 3 North of Range 16 in said Township, containing 320 acres of land more or less. Also the Northeast quarter of the Northwest quarter of Section 18 in said Township and Range, containing 40 acres of land more or less.

Upon examination of this lease, which is one taken in the name of the State under the authority of the Conservation Council in the manner provided by Section 1435-1, General Code, I find that said lease has been executed and acknowledged by the lessor in the manner provided by law, and that the form of said lease is such as to comply with the statutory provisions relating to leases of this kind.

I am accordingly approving this lease as to execution and form as is evidenced by my approval endorsed upon the lease and upon the duplicate copy thereof, both of which are herewith returned to you.

Respectfully,

JOHN W. BRICKER,
Attorney General.