

82.

APPROVAL, BONDS FOR THE FAITHFUL PERFORMANCE OF HIS DUTIES AS FIRST ASSISTANT DIRECTOR OF HIGHWAYS—ROBERT S. BEIGHTLER.

COLUMBUS, OHIO, February 11, 1929.

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

DEAR SIR:—You have submitted for my consideration two bonds.

The first one is for the sum of \$10,000.00, executed by Robert S. Beightler as principal and The Fidelity and Casualty Company of New York as surety, and is given under the provisions of Section 1180-1 of the General Code, to cover the faithful performance of the duties of the said Robert S. Beightler as First Assistant Director of Highways, which section requires bond in the amount stated and the surety to be approved by you.

The second of said bonds is for the sum of \$5,000.00 upon which Frank L. Raschig appears as principal and the Continental Casualty Company appears as surety, and is given under the provisions of Section 1181 of the General Code, to cover the faithful performance of the duties of the said Frank L. Raschig as Deputy Director of Highways, which section requires bond in the amount stated and the surety to be approved by you.

Said bonds are in proper legal form and duly executed and have been approved by you. Therefore, I have approved the same as to form and return them herewith.

Respectfully,

GILBERT BETTMAN,

Attorney General.

83.

APPROVAL, DEED TO MIAMI AND ERIE CANAL LANDS IN THE CITY OF CINCINNATI—JACOB RAPHAELSON.

COLUMBUS, OHIO, February 11, 1929.

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

DEAR SIR:—This is to acknowledge receipt of your communication of recent date transmitting, for my approval, two deeds to be executed by the Governor for parcels of surplus Miami and Erie Canal Lands relinquished by the city of Cincinnati to the State of Ohio under an Act of the 87th General Assembly passed April 20, 1927.

One of these deeds is for parcel No. 31 conveyed to Anton Moder in consideration of the payment of \$78.00 and the other deed is for parcel No. 64 conveyed to Jacob Raphaelson for the sum of \$69.00.

I have examined the deed forms submitted and in my opinion they are in conformity with law. You are accordingly advised that these deeds have my approval as to form.

Under the provisions of Section 9 of the Act above referred to the sales of these parcels of land are made by you subject to the approval of the Governor and the

Attorney General. These sales meet with my approval and I have accordingly endorsed my approval upon the deed forms submitted, which are herewith returned to you.

Respectfully,
GILBERT BETTMAN,
Attorney General.

84.

HOLIDAY—LINCOLN'S BIRTHDAY—WHEN STATE OFFICES MAY LAWFULLY CLOSE.

SYLLABUS:

State offices may lawfully be closed upon Lincoln's birthday when in the judgment of the head of the office or department the public service will not be impaired thereby, but there is no provision of law expressly making such closing mandatory.

COLUMBUS, OHIO, February 11, 1929.

HON. MYERS Y. COOPER, *Governor of Ohio, Columbus, Ohio.*

MY DEAR GOVERNOR:—I acknowledge your letter of February 9, 1929, as follows:

"Several of the departments have asked as to whether or not Lincoln's Birthday should be observed as a holiday.

I have noted the Opinion of February 9, 1928, which does not seem to clarify this matter for years other than those in which Lincoln's Birthday falls on Sunday.

The syllabus holds:

'The twelfth day of February, known as Lincoln's Birthday, is not a holiday for all purposes, but is only a holiday for the purpose of computing time in reference to payment and protest of commercial paper. The fact that February 12, 1928, falls on Sunday does not require state departments to observe Monday, February 13, 1928, as a holiday.'

I would appreciate it if I might be advised on Monday as to your definite opinion as to whether, under the statutes, Lincoln's Birthday on a year like this is a holiday. I find some of the departments so observe it and others not."

It is true that in the opinion of which you quote the syllabus my predecessor held that the 12th of February, known as Lincoln's Birthday, is not a holiday for all purposes but only for the purpose of computing time in reference to payment and protest of commercial paper. This conclusion is the obvious one to be deduced from the language of Section 8301 of the General Code, which is as follows:

"The following days, viz.:

1. The first day of January, known as New Year's Day;
2. The twenty-second day of February, known as Washington's Birthday;
3. The thirtieth day of May, known as Decoration or Memorial Day;
4. The fourth day of July, known as Independence Day;
5. The first Monday of September, known as Labor Day;
6. The twelfth day of October, known as Columbus Discovery Day;
7. The twenty-fifth day of December, known as Christmas Day;