

lumbus, and being lot No. fourteen (14), of R. P. Woodruff's subdivision of the south half of the south half of lot No. 278 in R. P. Woodruff's Agricultural College addition to said city as the same is numbered and delineated upon the recorded plat thereof of record in plat book 3, page 421, recorder's office, Franklin county, Ohio.

The abstract as submitted, shows a good and merchantable title in the premises described in Alice M. Bowers, subject to the following exceptions:

At section 7 of the last continuation, there appears a mortgage in the sum of \$2,125.00 to the Buckeye State Building and Loan Company, payable \$22.00 per month, with interest at 6½% per annum. This mortgage is not cancelled of record, and should be so cancelled before the consummation of the purchase of the premises described.

The taxes for the whole of the year 1924 are unpaid, which together with a penalty, amount to \$50.73, and are a lien and should be paid before the transfer of these premises to the state of Ohio.

The taxes for the year 1925 are also a lien, the amount of same as yet being undetermined.

No other taxes or special assessments appear.

The proper execution and delivery of the warranty deed submitted will be sufficient to convey the premises described to the state of Ohio. A regular encumbrance estimate property certified and indicating that funds are available for the purchase of these premises has also been submitted.

The abstract of title, warranty deed and encumbrance estimate are herewith returned.

Respectfully,

C. C. CRABBE,

Attorney-General.

2672.

APPROVAL, LEASE GRANTING TO STATE OF OHIO CERTAIN PREMISES SITUATED IN MEDINA COUNTY, OHIO.

COLUMBUS, OHIO, July 23, 1925.

HON. L. A. BOULAY, *Director, Department of Highways and Public Works, Columbus, Ohio.*

DEAR SIR:—You have submitted for my consideration a lease whereby N. H. McClure of Medina grants to the state of Ohio for the use of the department of highways and public works certain premises situate in the village of Medina, being lot No. 41 and part of lot No. 49, for the term of two years and two months, beginning May 1, 1925. The lease further grants a certain option to purchase and is renewable at the end of the term for another five-year term, as specified therein. The said lease requires the payment of a rental of \$15.00 at the expiration of each and every calendar month during the term.

Your attention is directed to the fact that under the provisions of section 2288-1 of the General Code it will be necessary to obtain the certificate of the director of finance to the effect that funds are available for the obligations under said lease, before the same is accepted.

Inasmuch as said lease appears to be in proper legal form, the same is hereby approved as to form and returned herewith.

Respectfully,
C. C. CRABBE,
Attorney General.

2673.

DISAPPROVAL, BONDS OF VILLAGE OF BRYAN, WILLIAMS COUNTY,
\$24,000.00.

COLUMBUS, OHIO, July 25, 1925.

Re: Bonds of Village of Bryan, Williams County, \$24,000.00.

Department of Industrial Relations, Industrial Commission of Ohio, Columbus, Ohio.

GENTLEMEN:—An examination of the transcript submitted for the foregoing issue of bonds discloses that these bonds are refunding bonds, issued under the provisions of section 3916, General Code, for the purpose of raising money to pay the following maturing bonds:

Refunding bonds Nos. 1 to 30, inclusive, due September 1, 1925, dated November 1, 1920, and in the denomination of \$500.00 each; refunding bond No. 13, dated February 1, 1897, in the denomination of \$1,000.00; Main street improvement bonds Nos. 25 and 26, dated August 1, 1903, in the denomination of \$1,000.00 each; East High street improvement bonds Nos. 9 and 10, dated September 1, 1912, in the denomination of \$500.00 each; South Main street improvement bonds Nos. 9 and 10 dated September 1, 1912, in the denomination of \$500.00 each; Center street improvement bonds Nos. 4 and 5, dated December 1, 1912, in the denomination of \$500.00 each; West High street improvement bond No. 36 dated December 1, 1912, in the denomination of \$500.00; Center street improvement bond No. 20, dated December 1, 1912, in the denomination of \$500.00; West High street improvement bonds Nos. 6 and 7, dated July 10, 1913, in the High street improvement bonds Nos. 10 and 11, dated July 10, 1913, in the denomination of \$500.00 each; the total of said bonds amounting to \$24,000.00.

It is therefore observed that the other part of this issue of refunding bonds is for the purpose of paying off former refunding bonds for indebtedness incurred subsequent to January 1, 1913.

Section 11 of article XII of the constitution requires the levy of a sinking fund for all bonds issued subsequent to January 1, 1913. It will be observed that this is a mandatory order that such bonds shall be paid by a constitutional levy as provided in the foregoing section of the constitution.

No other provision is made for the retirement of bonds so issued, and the fact that such bonds have not been paid, raises either the presumption that the original bonds were not legally issued, or that the taxing officials have failed to comply with the constitutional requirement in providing a levy or in the misappropriation of the levy to meet such maturing bonds.

For these reasons I have refused to approve refunding bonds to replace bonds issued since January 1, 1913, which the taxing officials have failed to pay. I cannot therefore approve that part of this issue which was made for the purpose of paying bonds issued since January 1, 1913. As the issue cannot be divided under