

ment Company of Baltimore City, of Baltimore, Maryland, parcels Numbers 160 to 167, inclusive, of surplus Miami and Erie canal lands relinquished to the State of Ohio by the city of Cincinnati pursuant to an act passed by the 87th General Assembly of Ohio, on the 20th day of April, 1927 (112 O. L. 210). The deed forms here in question designated with respect to the parcel numbers and the consideration paid for the same are as follows:

Parcel Number	Consideration
160	\$619.00
161	416.00
162	480.00
163	601.00
164	963.00
165, 166, 167	1,164.00

An examination of said deed forms shows that said deeds and each of them are executed in conformity with the statutory provisions above referred to authorizing the same and with other statutory provisions relating to deeds executed by the Governor of Ohio. Said deeds are, therefore, approved by me as to form.

Under Section 9 of the act of the Legislature authorizing the relinquishment of said surplus Miami and Erie canal lands to the State of Ohio, sales of such lands are to be made subject to the approval of the Governor and the Attorney General. It appears from the investigation made by me that the grantee named in said deeds is a holding company of the Baltimore and Ohio Railroad Company and that it has purchased the property upon which said respective parcels of land abut. There appearing no reason why the said grantee company, as the owner of abutting property, should not be permitted to purchase these parcels of land, and it further appearing that no question is made with respect to the valuations of said parcels, I know of no reason why the sale of these parcels of land and the conveyance thereof to said named grantee should not be approved by me. The sale of said parcels of land is, therefore, hereby approved, as is evidenced by my approval endorsed upon the deed forms submitted, all of which are herewith returned.

Respectfully,
 GILBERT BETTMAN,
Attorney General.

653.

DISAPPROVAL, BONDS OF CITY OF STRUTHERS, MAHONING COUNTY,
 —\$44,798.29.

Re: Bonds of city of Struthers, Mahoning County, Ohio, \$44,798.29.

COLUMBUS, OHIO, July 23, 1929.

Industrial Commission of Ohio, Columbus, Ohio.

GENTLEMEN:—An examination of the transcript relative to the above issue of bonds discloses that resolutions declaring the necessity of three of the four street

improvements for which these bonds are issued were published pursuant to the provisions of Sections 4228 and 4229, General Code, as follows:

<i>Improvement</i>	<i>Date of First Publication</i>
Sexton Street.....	February 27, 1929
Snyder Street.....	February 20, 1929
East Washington Street.....	February 20, 1929

The ordinances determining to proceed with these improvements were passed March 15, 1929. Section 3823, General Code, provides in part as follows:

“An owner of a lot, or of land, bounding or abutting upon a proposed improvement, claiming that he will sustain damages by reason of the improvement, within two weeks after * * * the completion of the publication thereof, shall file a claim in writing with the clerk of the council, setting forth the amount of the damages claimed, * * * .”

Section 3824, General Code, is as follows:

“At the expiration of the time limited for so filing claims for damages, the council shall determine whether it will proceed with the proposed improvement or not, and whether the claims for damages so filed shall be judicially inquired into, as hereinafter provided, before commencing, or after the completion of the proposed improvements.”

The publications of resolutions declaring the necessity of these improvements having been for two consecutive weeks as required by Sections 4228 and 4229, General Code, such publications were not complete until fourteen days after the date of first publication. *State of Ohio vs. Kuhner and King*, 107 O. S. 406. The time for filing claims for damages under the provisions of Section 3823, supra, is accordingly four weeks or twenty-eight days after the first date of publication of the resolutions of necessity. Section 3824, supra, provides that council shall determine whether it will proceed with a proposed improvement “at the expiration of the time limited for so filing claims for damages.” Section 3824, General Code (Section 2316, Revised Statutes), was considered by the Supreme Court of Ohio in the case of *Joyce vs. Barron, Treasurer*, 67 O. S. 264. The language of the court at page 277 is in point:

“Section 2316 provides that at the expiration of the time limited for filing claims for damages, that is, two weeks after the service of the notice, the council shall determine whether it shall proceed with the improvement, ‘and if it decides to proceed therewith an ordinance for the purpose shall be passed,’ etc. That is, putting it negatively, the council shall not proceed to pass the ordinance until two weeks after the service of notice.”

In view of the foregoing, I am compelled to advise you not to purchase the above issue of bonds.

Respectfully,
GILBERT BETTMAN,
Attorney General.