

"As to these provisions in the lease, it is to be noted that you do not have any authority by the execution of this lease contract to impose any liability upon the State of Ohio or any department thereof, or assume on behalf of the State or any department thereof any liability of the kind specified in said provision."

Moreover, in an opinion, directed to Hon. John E. Harper, Director of Public Welfare on April 14, 1928, reported in Opinions of the Attorney General for 1928, Volume II, page 911, my predecessor, with reference to an analogous provision in a contract, said:

"Your attention is directed to the fact that the State of Ohio is not subject to suit in damages unless there is specific statutory provision therefor and it would be impossible for the Department of Public Welfare to pay any of the funds appropriated to it for the purpose of indemnifying the railroad company against loss or damage as provided in paragraphs 6, 8 and 9 of this agreement. In addition, unless specifically authorized by the Legislature a statutory officer is without authority to enter into an agreement of this nature binding on the State. Such provisions, therefore, have no force in law and the only remedy that the railroad company might have would be to present a claim to the Sundry Claims Board for action by it and by the Legislature. It is recommended that you notify the railroad company of the objectionable matters contained in paragraph 6, 8 and 9 of the proposed agreement and these provisions should be stricken out of said agreement. As soon as the contract is submitted to me, without the provisions to which I have objected, I shall approve the agreement."

I would also like to invite your attention to the fact that the leases are undated, and in this connection advise that reference be made to the provisions of Section 2288-2, General Code.

By reason of the above objections, I am forced to disapprove the lease as submitted.

Respectfully,

GILBERT BETTMAN,
Attorney General.

1625.

APPROVAL, BONDS OF CONCORD TOWNSHIP RURAL SCHOOL DISTRICT, HIGHLAND COUNTY—\$10,000.00.

COLUMBUS, OHIO, March 17, 1930

Re: Bonds of Concord Township Rural School Dist., Highland County, Ohio—\$10,000.00.

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

GENTLEMEN:—Under date of March 12, 1930, I rendered a disapproval opinion to your board advising against the purchase of the above issue of bonds on account of the fact that the transcript disclosed a failure to comply with the provisions of Section 2293-21, General Code, relative to the publication of notice of

election. The transcript disclosed, as stated in that opinion, that this notice had not been published during or throughout the continuance of four consecutive weeks prior to the election held on November 5, 1929, since the date of first publication appeared to be October 9, 1929.

There has been submitted to this office an affidavit of the publisher of the newspaper in which this notice of election was published reciting that although this newspaper, being a weekly newspaper, is dated as of Wednesday of each week, it is, in fact, published and placed in circulation the preceding Tuesday of each week. The affidavit recites that in accordance with this practice the publication dated October 9, 1929 and the publication of each succeeding Wednesday prior to the 1929 general election was, in fact, published and in circulation on Tuesday, October 8, 1929, and each succeeding Tuesday thereafter. Under these circumstances, it is evident that the requirements of Section 2293-21, General Code, have been met and that the notice of the election was, in fact, published in a newspaper of general circulation in the school district once a week for four consecutive weeks prior to the November 1929 election.

In view of the foregoing, I am of the opinion that bonds issued under the proceedings set forth in the transcript, as amended, which is an authenticated copy of the proceedings of the board of education and other officers of the Concord Township Rural School District, will, upon delivery, constitute a valid and binding obligation of said school district.

Respectfully,
GILBERT BETTMAN,
Attorney General.

1626.

ELECTION LAW—INITIATIVE OR REFERENDUM PETITION—WHERE
RED NOTICE OF PENALTY FOR FALSE SIGNATURE PRINTED—
WHERE CAPITALIZED SYNOPSIS AND ATTORNEY GENERAL'S
CERTIFICATION PRINTED.

SYLLABUS:

1. *Notice of the penalty for falsely signing an initiative or referendum petition should, under the provisions of Section 4785-176, General Code, be printed in red immediately above the place for signatures upon each part of such petition, and such notice need be printed in no other place thereon.*
2. *Under this section, the synopsis of an amendment or law, together with the Attorney General's certification thereof, should be printed on each part of an initiative or referendum petition in capital letters.*

COLUMBUS, OHIO, March 17, 1930.

HON. CLARENCE J. BROWN, *Secretary of State, Columbus, Ohio.*

DEAR SIR:—Your letter of recent date is as follows:

“The present section of the Ohio General Code 4785-176 relating to the initiative and referendum provides that,

‘Immediately above the place for signature on each part of such petition shall be printed in red the following warning:—