

"The net result of these cases is such as not to permit of answering your second question categorically. In my opinion the question is one for a determination by a proper court as to whether the electors had such general knowledge of the election that failure to publish for the statutory period did not result in a denial to anyone of his right to vote."

I concur in these views. The Attorney General cannot, in a given case, upon consideration of certain extraneous facts indicative of sufficient notice of the election, render an opinion that as a matter of law the election is valid. Before rendering such an opinion, he should hear and consider the testimony of all parties claiming to have had sufficient notice as well as of those claiming not to have had notice. Such a determination would be a usurpation of the province of the courts.

In view of the foregoing, I advise that in my opinion, the question of the validity of an election authorizing the issuance of bonds when there has been a failure to strictly comply with the provisions of Section 2293-21, General Code, relative to the publication of notice of such election, is one for determination by a proper court upon consideration of all the facts in a specific case.

Respectfully,  
GILBERT BETTMAN,  
*Attorney General.*

---

1279.

APPROVAL, LEASE TO CERTAIN PREMISES IN CITY OF COLUMBUS  
FOR USE OF DEPARTMENT OF FINANCE.

COLUMBUS, OHIO, December 10, 1929.

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

DEAR SIR:—You have submitted for my consideration a lease wherein The Northwestern Boulevard Company, an Ohio corporation, grants to the State of Ohio, for the use of the Department of Finance, certain premises situated in the City of Columbus and County of Franklin and more fully described therein, for a term of two years. The rental to be paid under said lease is \$9,000.00 for the term, payable quarterly beginning December 15, 1929.

Said lease seems to have been executed in proper legal form with the exception that the same has not been dated.

You have submitted Encumbrance Estimate No. 6052, containing a certificate of the Director of Finance to the effect that there are unencumbered balances legally appropriated sufficient to pay for the obligations under said contract for the first year which is believed to be sufficient under the circumstances.

In view of the foregoing, I hereby approve said lease as to form and suggest that before the same is finally accepted it be properly dated.

Said lease is being herewith returned.

Respectfully,  
GILBERT BETTMAN,  
*Attorney General.*