

In such instances, it is the duty of the canvassing power, before issuing a certificate of election, to ascertain from the clerk of the board of deputy state supervisors of elections, that the expense statement required by Section 5175-2, General Code, has been filed.

A consideration of the above citations furnishes the answers to the two branches of your inquiry.

I assume, from the wording of the second branch of your inquiry that election certificates issued after the ten day period were not, however, issued until the expense statements were actually filed, and this opinion is based on that assumption.

Specifically answering your questions, I am of the opinion that:

1. The clerk of the board of deputy state supervisors of elections may receive and file statements of the expenses after the expiration of the ten day period referred to in Section 5175-2, General Code.

2. It is the duty of the canvassing power, before issuing a certificate of election, to ascertain from the clerk of the board of deputy state supervisors of elections that the expense statement required by Section 5175-2, General Code, has been filed, but such certificate of election may be issued where the expense statement has been filed after the expiration of the ten day period.

Respectfully,
GILBERT BETTMAN,
Attorney General.

1273.

APPROVAL, BONDS OF GEAUGA COUNTY—\$42,576.40.

COLUMBUS, OHIO, December 9, 1929.

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

1274.

APPROVAL, CONTRACT FOR RECONSTRUCTION OF SEPARATED CROSSING IN THE VILLAGE OF BRILLIANT, JEFFERSON COUNTY.

COLUMBUS, OHIO, December 9, 1929.

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

DEAR SIR:—This will acknowledge receipt of your letter of November 7, 1929, enclosing for my approval a copy of a proposed contract providing for the rearrangement and reconstruction of highway facilities through and adjacent to an existing separated crossing, further described as Pennsylvania Railroad Bridge No. 23.63 on State Highway No. 7, in the Village of Brilliant, Jefferson County, Ohio, between the State of Ohio and the Pennsylvania Railroad Company as lessee of the Cleveland and Pittsburgh Railroad Company and the Steubenville and Wheeling Traction Company.

I have carefully examined the proposed agreement, find it correct in form, and hereby approve and return the same to you.

Respectfully,
GILBERT BETTMAN,
Attorney General.

1275.

APPROVAL, AS TO FORM, LEASE TO LAND IN VAN BUREN TOWNSHIP, MONTGOMERY COUNTY—NETTIE C. NEWCOM.

COLUMBUS, OHIO, December 9, 1929.

HON. H. H. GRISWOLD, *Director of Public Welfare, Columbus, Ohio.*

DEAR SIR:—You have submitted for my inspection the form of a proposed lease by which Nettie C. Newcom proposes to grant to the State of Ohio 163.31 acres of land located in the township of Van Buren, County of Montgomery, State of Ohio, for a term of two years, beginning March 1, 1930, for the sum of \$1,800.00 per year, payable on March 1, 1930 and March 1, 1931, payment for the second year being dependent upon the necessary appropriation by the General Assembly.

Upon examination, I approve the form and legality of the lease, which should be resubmitted to this department for approval after being executed. I am returning herewith two copies of the lease form and retaining one for our files.

In this connection, you are reminded of Section 2288-2, General Code, which requires a certificate from the Director of Finance relative to there being unencumbered balances to cover the obligation of the contract, which of course should be obtained before said lease is accepted on behalf of the State.

Respectfully,
GILBERT BETTMAN,
Attorney General.

1276.

DISAPPROVAL, BONDS OF VILLAGE OF NORTH OLMSTED, CUYAHOGA COUNTY—\$17,092.41.

COLUMBUS, OHIO, December 9, 1929.

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

GENTLEMEN:

Re: Bonds of Village of North Olmsted, Cuyahoga County, Ohio, \$17,092.41.

The above bonds purchased by your board consist of four street improvement issues. The transcripts of proceedings relative to these four improvements disclose that resolutions declaring the necessity thereof were passed, pursuant to the provisions of Section 3814, General Code, on April 5, 1927. The transcripts further disclose that these issues of bonds were advertised for three weeks, the dates of first publication being September 19 and September 20, 1929. Pursuant to such advertisement these bonds were sold to the company from which you purchased these issues. Section 3924, General Code, prior to repeal by the 87th General Assembly in the enactment