

of the lease. See *Mower vs. Sanford*, 76 Conn. 504, 63 L. R. A. 625. The fact that under the provisions of the lease here in question the lessee is required to pay an amount of rental, which considering the whole of the term of said lease averages the sum of \$200.00 annually, which is 6% upon the appraised value of the property leased, does not meet the requirement of the statute in its application to the lease here in question that said sum of \$200.00 should be paid to the state each and every year during the term of said lease.

For the reasons above stated, this lease is disapproved and I am herewith returning the same, together with duplicate and triplicate copies thereof, without the indorsement of my approval thereon.

Respectfully,
GILBERT BETTMAN,
Attorney General.

2743.

APPROVAL, BONDS OF CITY OF EAST PALESTINE, COLUMBIANA COUNTY, OHIO—\$30,723.65.

COLUMBUS, OHIO, December 30, 1930.

Industrial Commission of Ohio, Columbus, Ohio.

2744.

APPROVAL, BONDS OF WILLS RURAL SCHOOL DISTRICT, GUERNSEY COUNTY, OHIO—\$45,000.00.

COLUMBUS, OHIO, December 30, 1930.

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

2745.

DISAPPROVAL, BONDS OF CITY OF EAST PALESTINE, COLUMBIANA COUNTY, OHIO—\$13,000.00.

COLUMBUS, OHIO, December 30, 1930.

Re: Bonds of City of East Palestine, Columbiana County, Ohio, \$13,000.00.

Industrial Commission of Ohio, Columbus, Ohio.

GENTLEMEN:—The transcript relative to the above issue of bonds discloses that these bonds were authorized by ordinance passed August 4, 1930, to mature on the first day of October of the years 1932 to 1936, both inclusive. After having been

offered to and rejected by the board of sinking fund trustees of the municipality, these bonds were sold, after having been advertised for three consecutive weeks as provided in Section 2293-28, General Code. The affidavit in proof of publication of the notice of sale, however, discloses the fact that these bonds were erroneously advertised to mature October 1, 1931 to 1935, both inclusive. Since Section 2293-28 requires the notice advertising bonds for sale to state "how long they are to run", it is obvious that the matter of the maturities of a bond issue is material.

In view of the foregoing and on account of the fact that the provisions of Section 2293-28 have not been strictly complied with, I advise you not to purchase these bonds.

Respectfully,
GILBERT BETTMAN,
Attorney General.

2746.

APPROVAL, CONTRACT BETWEEN THE STATE OF OHIO AND THE LYON METAL PRODUCTS, INC., OF AURORA, ILLINOIS, FOR LOCKERS AND LOCKER BENCHES IN PHYSICAL EDUCATION BUILDING, MIAMI UNIVERSITY, OXFORD, OHIO, AT AN EXPENDITURE OF \$6,012.25—SURETY BOND EXECUTED BY THE FIDELITY AND DEPOSIT COMPANY OF MARYLAND.

COLUMBUS, OHIO, December 30, 1930.

HON. ALBERT T. CONNAR, *Superintendent of Public Works, Columbus, Ohio.*

DEAR SIR:—You have submitted for my approval a contract between the State of Ohio, acting by the Department of Public Works, for the Board of Trustees, Miami University, Oxford, Ohio, and the Lyon Metal Products, Incorporated, of Aurora, Ill. This contract covers the construction and completion of contract for lockers and locker benches in a building known as the Physical Education Building, Miami University, Oxford, Ohio, as set forth in Item No. 9 of the Form of Proposal dated December 9, 1930. Said contract calls for an expenditure of six thousand and twelve and twenty-five one-hundredths dollars (\$6,012.25).

You have submitted the certificate of the Director of Finance to the effect that there are unencumbered balances legally appropriated in a sum sufficient to cover the obligations of the contract. You have also presented evidence showing that the Controlling Board approved the expenditure in accordance with Section 11 of House Bill No. 510 of the 88th General Assembly. In addition, you have submitted a contract bond, upon which the Fidelity and Deposit Company of Maryland appears as surety, sufficient to cover the amount of the contract.

You have further submitted evidence indicating that plans were properly prepared and approved, notice to bidders was properly given, bids tabulated as required by law, and the contract duly awarded. Also it appears that the laws relating to the status of surety companies and the workmen's compensation act have been complied with. Finally, a certificate of the Secretary of State shows that the above contracting foreign corporation is qualified to do business in Ohio.

Finding said contract and bond in proper legal form, I have this day noted my