

of would not have been granted and the contractor would now have a legal and enforceable claim for the \$1200.00 providing he had performed his contract in accordance with its terms. His performance was rendered impossible by reason of the injunction, and any claim under the contract was rendered invalid by reason of the failure of the auditor to make his certificate at the time of entering into the contract as provided by law.

Applying the rule with reference to moral obligations to these facts, it clearly follows that the claim for \$1200.00 may be properly recognized and paid as a moral obligation. When paid, no recovery back could be had. *State v. Fronizer*, 77 O. S., page 7.

I am therefore of the opinion in specific answer to your question that the commissioners may lawfully recognize the claim of this contractor and pay the same as a moral obligation.

Respectfully,
GILBERT BETTMAN,
Attorney General.

3468.

APPROVAL, LEASE TO OFFICE ROOMS IN THE MARSHALL BUILDING, CLEVELAND, OHIO, FOR THE USE OF THE STATE FIRE MARSHAL.

COLUMBUS, OHIO, July 31, 1931.

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

DEAR SIR:—This is to acknowledge receipt of your communication requesting my approval of a lease between W. G. Marshall of Cleveland, Ohio, and yourself, as Superintendent of Public Works, for the State of Ohio, by the terms of which lease Rooms 304, 305, 306 and 307 in the Marshall Building, Cleveland, Ohio, are let for the use of the State Fire Marshal for the period of one year beginning July 1, 1931, and ending June 30, 1932, at a rental of eighty dollars (\$80.00) per month.

With your leases, encumbrance estimate No. 8 is enclosed, as required by section 2288-2, General Code.

After careful examination, I find that the lease is in proper legal form, and am herewith approving said lease and returning all data to you.

Respectfully,
GILBERT BETTMAN,
Attorney General.

3469.

APPROVAL, BOND FOR THE FAITHFUL PERFORMANCE OF HIS DUTIES AS RESIDENT DISTRICT DEPUTY DIRECTOR IN WAYNE COUNTY—SIDNEY BUCHER.

COLUMBUS, OHIO, August 1, 1931.

HON. O. W. MERRELL, *Director of Highways, Columbus, Ohio.*