

for the term above stated for an annual rental equal to six per cent. of the appraised value of the property with the provision that the property shall be appraised at the end of each fifteen-year period of the lease for the purpose of determining the subsequent annual rentals to be paid on the lease. And as to this it is noted that provision is made in the lease for such subsequent reappraisals of the property for rental purposes.

Upon examination of the lease, I find that the same has been properly executed by you as Superintendent of Public Works and as Director of said department, acting for and on behalf of the state of Ohio, and by The Cincinnati Gas and Electric Company, acting by the hand of its Vice-President and Secretary pursuant to authority conferred upon him for this purpose by resolution of the Board of Directors of said company adopted under date of November 2, 1936. I further find, upon examination of the lease, that the provisions thereof and the conditions and restrictions therein contained are in conformity with the section of the General Code above referred to and with other statutory enactments relating to leases of this kind. I am accordingly approving this lease as to legality and form, as is evidenced by my approval endorsed upon the lease and upon the duplicate and triplicate copies thereof, all of which are herewith returned.

Respectfully,

HERBERT S. DUFFY,
Attorney General.

1211

APPROVAL—BONDS OF CITY OF AKRON, SUMMIT COUNTY,
OHIO, \$23,000.00.

COLUMBUS, OHIO, September 21, 1937.

The Industrial Commission of Ohio, Columbus, Ohio.

GENTLEMEN:

Re: Bonds of City of Akron, Summit County, Ohio,
\$23,000.00.

The above purchase of bonds appears to be part of an issue of bonds of the above city dated October 1, 1935. The transcript relative to this issue was approved by this office in an opinion rendered to your com-

mission under date of May 28, 1936, being Opinion No. 5635.

It is accordingly my opinion that these bonds constitute a valid and legal obligation of said city.

Respectfully,

HERBERT S. DUFFY,
Attorney General.

1212.

MANDAMUS—COUNTY TREASURER'S PAYMENT OF WARRANTS DRAWN FOR SALARIES OF COUNTY OFFICERS—VIOLATION OF SECTION 2989, OHIO GENERAL CODE.

SYLLABUS:

Mandamus will not lie to compel a county treasurer to pay warrants drawn for county officers' salaries in violation of Section 2989, General Code.

COLUMBUS, OHIO, September 22, 1937.

HON. ROBERT C. CARPENTER, *Prosecuting Attorney, Tiffin, Ohio.*

DEAR SIR: This is to acknowledge receipt of your letter of recent date, requesting my opinion upon a matter which you set forth as follows:

“The question involves an interpretation of Ohio General Code, Section 2989, regarding the method of payment of the salaries of county officials. Mr. R.'s (the county treasurer's) specific questions is: Is a county official permitted to draw his salary semi-monthly, or even oftener? Assuming that a county official on the 15th of the month presents the warrant of the county auditor, regular in all respects, purporting to be in payment of the first half-month's salary for said month, is it mandatory upon the treasurer to cash said warrant?

To put the question in another way: Can a county official draw his monthly compensation in as many installments as he cares to? And if the county auditor so issues these warrants in part payment, is it mandatory upon the treasurer to honor and cash them?

It is my opinion, and I have advised Mr. R., that such warrants should not be honored, and that the treasurer is not exceeding his authority in refusing to cash such warrants, even