

This view is further strengthened by a consideration of facts which have been brought to our attention concerning the question you submit. It appears that in many counties of the state an application of the provisions of Senate Bill 94 to boards of elections would result in the impossibility of holding elections in those counties.

In view of the fact that the holding of elections is fundamentally necessary for the proper conduct of government, any construction of a statute which would result in making elections impossible, should be avoided. The constitution in mandatory terms, article X, section 2, and article XVII, section 1, provide for the holding of elections, and this mandate should be taken into consideration in construing the action of the General Assembly.

You are therefore advised that the provisions of Senate Bill 94, enacted by the 86th General Assembly, do not apply to the expenses necessarily incurred by boards of election in conducting elections as prescribed by statute, and contracts therefore may be made without the certificate of the auditor that funds are available to pay such obligation. If in fact funds are not in the treasury to meet these obligations, they will nevertheless constitute a valid claim against the county, for the payment of which provision must be made by the county commissioners through the levy of the proper tax therefor.

Respectfully,
C. C. CRABBE,
Attorney General.

2845.

APPROVAL, LEASES MIAMI AND ERIE, OHIO, AND HOCKING CANALS;
ST. MARYS, PORTAGE, INDIAN, AND BUCKEYE LAKES.

COLUMBUS, OHIO, October 7, 1925.

Department of Highways and Public Works, Division of Public Works, Columbus, Ohio.

GENTLEMEN:— I have your letter of September 17, 1925, in which you enclose the following leases in triplicate for my approval:

<i>Miami and Erie Canal</i>	<i>Valuation</i>
The Ohio Bell Telephone, conduit right of way -----	\$ 200.00
Mrs. Charles Dupont -----	200.00
Wm. H. Johnson and John R. Goudie, land lease -----	8,333.34
The Celina Stearic Acid Co., water lease -----	1,333.34

<i>Ohio Canal</i>	
The Massillon Water Supply Company, Pipe Line Right of Way -----	200.00
The Canal Fulton Lake and Improvement Company, land lease---	400.00
C. E. Haynes, land lease -----	600.00
Mrs. Annie McClish, land lease -----	266.66
E. D. Hartley, land lease -----	245.00
Dr. J. R. McElroy, land lease -----	200.00
The City of Massillon, Ohio, land lease -----	200.00

	<i>Valuation</i>
The City of Massillon, Ohio, land lease -----	\$ 200.00
Mrs. Emma Barnett, land lease -----	200.00
The Lambert Tire and Rubber Co., water lease -----	25,600.00
The Diamond Match Company, water lease -----	15,000.00

Hocking Canal

Frank Pautzke, land lease -----	100.00
John Dougherty, land lease -----	600.00

Lake St. Marys

Earl Ammon, cottage site -----	200.00
Roy Ammon, cottage site -----	200.00
Miss Edna Miller, cottage site -----	200.00
Misses Harriet Buzzard and Carrie Herberger, cottage site -----	200.00
G. A. Pelver, cottage site -----	200.00
Frank Goggin, cottage site -----	200.00
O. Raudabaugh, park and dock landing -----	900.00

Portage Lakes

Orrin F. Ames, boat house, dock landing and walk way, Turkey Foot Lake -----	100.00
Clarence Teeple, boat house, dock landing and walk way, Turkey Foot Lake -----	100.00
Trever C. Caston, boat house, dock landing and walk way, Turkey Foot Lake -----	100.00
H. A. Staley, dock landing, boat house and walk way, Turkey Foot Lake -----	100.00
J. J. Salm, boat house, dock landing and walk way, West Reservoir -----	100.00
E. L. Deming, boat house, dock landing and walk way, West Reservoir -----	100.00

Indian Lake

Gus A. Harruff, cottage site -----	400.00
Lewis E. Hull, cottage site -----	1,000.00
Charles M. Flaig, cottage site -----	100.00

Buckeye Lake

The Buckeye Lake Building Co., club house, etc. -----	1,000.00
Harry B. Coen, cottage site -----	1,666.67
Dr. H. S. Ainsworth, dock landing, etc. -----	300.00
Charles F. Graham, dock landing, etc. -----	133.34
C. E. Lytle, dock landing, etc. -----	200.00

I have carefully examined said leases, find them correct in form and legal, and am therefore returning the same with my approval endorsed thereon.

Respectfully,

C. C. CRABBE,
Attorney General.