

of the lease, and said Superintendent, if satisfied that the facts presented are as stated, shall immediately cancel said lease, effective at the next rental payment date, providing all rentals due thereon have been paid in full to said date."

Carrying out the thought above expressed with respect to the necessity of the approval by the Public Utilities Commission of the abandonment of a railroad or a branch thereof before such abandonment is legally effected, I am of the opinion that it is necessary to incorporate a reference to the approval by the Public Utilities Commission of such abandonment in the suggested condition to be incorporated in these leases.

It is suggested, therefore, that there be inserted in the form of this proposed condition as submitted to me, between the words "economic reasons" and "it may surrender" the following words: "and upon approval of such abandonment by the Public Utilities Commission."

Respectfully,

GILBERT BETTMAN,  
*Attorney General.*

4565.

APPROVAL, CONTRACT BETWEEN THE STATE OF OHIO AND LEROY DANIEL MacMORRIS OF NEW YORK, N. Y., FOR THE CONSTRUCTION AND COMPLETION OF CONTRACT FOR MURAL PAINTINGS FOR LIBRARY READING ROOM IN STATE OFFICE BUILDING, AT AN EXPENDITURE OF \$6,500.00.

COLUMBUS, OHIO, August 11, 1932.

HON. FRANK W. MOWREY, *Executive Secretary, State Office Building Commission, Columbus, Ohio.*

DEAR SIR:—You have submitted for my approval a contract between the State of Ohio, acting by the State Office Building Commission, and Leroy Daniel MacMorris of New York, N. Y. This contract covers the construction and completion of contract for Mural Paintings for Library Reading Room on the eleventh floor of the State Office Building, according to Revised Specifications for Mural Paintings, dated March, 1932. Said contract calls for an expenditure of six thousand five hundred dollars (\$6,500.00).

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, in accordance with section 2288-2, General Code.

Inasmuch as mural paintings involve work of a character wholly dependent for its acceptability upon the talent of the individual, the present contract did not have to be let after competitive bidding, and the detailed provisions of sections 2314 to 2332, General Code, did not have to be followed. See Opinion No. 3796, rendered December 1, 1931.

It is noted that the Governor of Ohio has approved the contract herein, as required by section 1 of the act of the legislature passed March 14, 1929 (113 O. L. 59).

Finding said contract in proper legal form, I have this day noted my approval thereon and return the same herewith to you, together with all other data submitted in this connection.

Respectfully,  
GILBERT BETTMAN,  
*Attorney General.*

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4566.

APPROVAL, BONDS OF NEWTON RURAL SCHOOL DISTRICT, TRUMBULL COUNTY, OHIO—\$27,000.00.

COLUMBUS, OHIO, August 12, 1932.

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

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4567.

APPROVAL, CONDITIONALLY, ABSTRACT OF TITLE TO LAND OF LOUISE C. ARNOLD IN THE VILLAGE OF MILAN, ERIE COUNTY, OHIO.

COLUMBUS, OHIO, August 15, 1932.

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

DEAR SIR:—This is to acknowledge receipt of your recent communication submitting for my examination and approval abstract of title, warranty deed, encumbrance record No. 1396, and certificate of the controlling board relating to the proposed purchase by the State of Ohio of a certain parcel of real estate in the Village of Milan, Erie County, Ohio, and more particularly described as follows:

“That part of Original Lot Number Five (5), in Section Number Four (4), in the Village of Milan, Erie County, bounded and described as follows: Beginning at a point in the southeasterly line of said lot south 59° west, 199.58 feet from the center line of Main Street; thence south 59° west along the southeasterly line of said lot, 559.42 feet to the easterly line of the property conveyed to the Village of Milan, Ohio, by deed dated September 26, 1898 and recorded in Volume 66 of Deeds, page 264, Erie County, Ohio records; thence north 30° 47' west, along the easterly line of the property conveyed to the Village of Milan, as aforesaid, 322.18 feet to the center line of Oak Street (so-called); thence north 59° east, along the center line of Oak Street, 559.42 feet; thence south 30° 47' east, 322.18 feet to the place of beginning, containing 4.138 acres, more or less.

Subject to legal highways.”

Upon examination of the abstract of title submitted, I find that Louise C. Arnold has a good merchantable title to the above described tract of land, free and clear of all encumbrances except the taxes for the last half of the year 1931 and for the whole of the year 1932.