

unreported case of *Dent vs. Thomas*, and the Mahoning County Common Pleas Court in the unreported case of *Smith vs. Gluck, et al., County Commissioners*, have recently declared certain provisions of House Bill No. 102 unconstitutional. However, in view of the other matters heretofore discussed, there seems no need to comment further on these decisions.

It is my opinion, therefore, that public agencies of Ohio are no longer under a duty to require from those with whom they contract the compliance affidavits, prescribed by section 2 of Amended House Bill No. 102, enacted by the 90th General Assembly, as amended by Amended Senate Bill No. 189, passed by the 91st General Assembly.

Respectfully,

JOHN W. BRICKER,
Attorney General.

4405.

APPROVAL, PROPOSED AGREEMENT FOR HIGHWAY CONSTRUCTION IN HURON COUNTY, OHIO.

COLUMBUS, OHIO, July 10, 1935.

HON. JOHN JASTER, JR., *Director of Highways, Columbus, Ohio.*

DEAR SIR:—You have submitted for my consideration proposed agreement with reference to the matter of the separation of grades of State Highway No. 289 and the tracks of the New York Central Railroad Company and the Wheeling and Lake Erie Railway Company in the Village of Monroeville on U. S. Route 20, Huron County, Ohio.

After examination, it is my opinion that said agreement is in proper legal form and when properly executed by you will constitute a binding contract.

Said agreement is being returned herewith.

Respectfully,

JOHN W. BRICKER,
Attorney General.