

4377.

APPROVAL, BOND FOR FAITHFUL PERFORMANCE OF HIS DUTIES
AS RESIDENT DISTRICT DEPUTY DIRECTOR—E. A. GAST.

COLUMBUS, OHIO, June 2, 1932.

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

DEAR SIR:—You have submitted for my approval a bond upon which the name of E. A. Gast appears as principal and New York Casualty Company appears as surety, in the penal sum of Five Thousand Dollars, conditioned to cover the faithful performance of the duties of the principal as Resident District Deputy Director.

Finding said bond legal and proper as to form, I have endorsed my approval thereon and return the same herewith.

Respectfully,

GILBERT BETTMAN,
Attorney General.

4378.

DISAPPROVAL, BONDS OF VILLAGE OF LYNDBURST, CUYAHOGA
COUNTY, OHIO—\$4,200.00.

COLUMBUS, OHIO, June 2, 1932.

Industrial Commission of Ohio, Columbus, Ohio.

GENTLEMEN:—Re: Bonds of Village of Lyndhurst, Cuyahoga County, Ohio, \$4,200.00.

The above bonds recently purchased by your commission comprise a part of two issues of bonds of the village of Lyndhurst, one dated October 1, 1924, in the aggregate amount of \$10,200.00 in anticipation of the collection of special assessments for the improvement of a portion of Edenhurst Road by the construction of a water main therein, and the other dated April 1, 1926, in the amount of \$10,000.00, being an issue of unvoted general tax bonds for the purpose of purchasing fire equipment.

The transcript of proceedings leading up to the issuance of the Edenhurst Road water main bonds discloses that these bonds were authorized by Ordinance No. 344, passed October 6, 1924. These proceedings became pending March 31, 1924. Ordinance No. 344 provided that the bonds mature October 1 of the years 1925 to 1934, both inclusive.

Section 2295-12 of the General Code, as then in force and effect, provided that the date of first maturity, when bonds are issued maturing annually, shall be not earlier than the date fixed by law for the final annual tax settlement next following the time fixed by law for the inclusion of a tax for the bonds in the annual budget by the county auditor. Section 5649-3a, as then in force and effect, provided that the annual budget of municipalities be made up on or before the first Monday in June each year.

These bonds having been authorized in October, 1924, the tax for the issue required to be levied by Section 11, article XII of the Constitution was not prop-

erly to be included in the budget until June 1, 1925, and therefore the date of first maturity of the issue as fixed by ordinance No. 344 was prior to the date fixed by law as set forth in the then provisions of Section 2295-12 of the General Code.

With respect to the fire equipment issue, the proceedings leading up to the authorization of these bonds became pending March 1, 1926. Ordinance No. 583, authorizing these bonds, passed May 17, 1926, as amended by Ordinance No. 583-A on June 7, 1926, provides a schedule of maturities beginning October 1, 1928, and ending with the October 1, 1937, maturity. Section 2295-12, General Code, as in force and effect in the year 1926, provided that the date of earliest maturity of bonds issued with annual maturities shall be not earlier than the first day of the second September next following the 15th day of July next following the passage of the ordinance authorizing the bonds, and that the date of earliest maturity shall be not later than eleven months after the first day of the second September next following the 15th day of July next following the date of the passage of the ordinance authorizing the bonds.

These fire equipment bonds having been authorized prior to July 15, 1926, a date of earliest maturity later than August 1, 1928, as fixed by amending ordinance No. 583-A, is violative of the then provisions of Section 2295-12, General Code.

In view of the foregoing, I am unable to approve the transcripts relative to the above purchase of bonds.

Respectfully,
GILBERT BETTMAN,
Attorney General.

4379.

APPROVAL, TWO LEASES TO STATE RESERVOIR LAND AT INDIAN LAKE, LOGAN COUNTY—W. L. MERRITT.

COLUMBUS, OHIO, June 2, 1932.

HON. I. S. GUTHERY, *Director, Department of Agriculture, Columbus, Ohio.*

DEAR SIR:—This is to acknowledge receipt of a recent communication over the signature of the Chief of the Bureau of Inland Lakes & Parks of the Division of Conservation in your department submitting for my examination and approval two certain reservoir land leases in triplicate, by which there is leased and demised to one W. L. Merritt of Columbus, Ohio, two certain parcels of state reservoir land situated between a certain line extended on a contour two feet above the present waste-weir line of Indian Lake to the ordinary water line of said lake, said parcels being in Virginia Military Survey No. 12276 in Stokes Township, Logan County, Ohio, and being more particularly described in said respective leases.

Upon examination of the lease instruments submitted, I find that the same have been properly executed by the Conservation Commissioner and by the lessee above named.

I further find upon examination of these instruments that the provisions thereof and the conditions and limitations therein contained are in accord with the provisions of Section 471, General Code, as amended by the 88th General