

984.

APPROVAL, LEASE TO OHIO CANAL LAND.

COLUMBUS, OHIO, September 12, 1927.

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

GENTLEMEN:—I am in receipt of your letter of September 12, 1927, in which you inclose the following lease, executed in triplicate for my approval.

OHIO CANAL	<i>Valuation</i>
C. B. Murphy, land lease.....	\$1,000.00

I have carefully examined the above lease, and finding it correct in form and legal, I hereby approve the same.

Respectfully,
EDWARD C. TURNER,
Attorney General.

985.

COUNTY COMMISSIONERS—MAY PROCEED UNDER PROVISIONS OF SECTION 1223, GENERAL CODE, UNTIL EFFECTIVE DATE OF HOUSE BILL NO. 67, 87TH GENERAL ASSEMBLY.

SYLLABUS:

1. *Section 1223, General Code, was repealed by House Bill No. 67, passed by the 87th General Assembly, which does not go into effect until the first Monday in January, 1928, on which date Section 70 of said House Bill No. 67 becomes effective as new Section 1223, General Code.*

2. *A board of county commissioners may proceed under the provisions of Section 1223, General Code, as it now reads, until the effective date of House Bill No. 67, viz., the first Monday in January, 1928.*

COLUMBUS, OHIO, September 12, 1927.

HON. C. O. TURNER, *Prosecuting Attorney, Coshocton, Ohio.*

DEAR SIR:—Receipt is acknowledged of your request for my opinion as follows:

“I am writing you and asking whether or not Section 1223 of the General Code of Ohio creating a fund for the payment of the compensation, damages, costs and expenses of the improvement of inter-county highways is now in operation, or whether or not the last legislature repealed this law.

Of course I understand that House Bill No. 67 goes into effect January 2, 1928, which, of course, will change the law in regard to the issuing of bonds for this purpose. But knowing that there are being so many laws changed and amended over there in the legislature, I would like for your force to determine whether or not said Section 1223 is now in force, as we are unable to find anything that changes this law at the present time.”

You request that I advise whether Section 1223 of the General Code was repealed by the last legislature. You further inquire whether Section 1223 of the General Code is now in force and effect.

Investigation of the various legislative enactments of the 87th General Assembly relative to the issuing of bonds and the levying of taxes discloses that Section 1223 of the General Code was not amended or repealed except in House Bill No. 67, passed by the 87th General Assembly, commonly known as the Edwards-Norton Bill. By the provisions of Section 92 of House Bill No. 67, Section 1223 is repealed.

Section 70 of House Bill No. 67 was enacted to take the place of Section 1223 repealed.

This department, in assigning section numbers to the various sections of House Bill No. 67 which were not given code or section numbers by the legislature, gave to Section 70, Section No. 1223, and Section 70 will therefore appear in the General Code as Section 1223.

As stated by you in your letter, House Bill No. 67, by the terms of the act, does not go into effect until the second day of January, 1928, Section 91 of said act providing:

“ * * * This act shall be effective the first Monday in January, 1928.”

It follows that inasmuch as House Bill No. 67 does not, by the terms of the act, become effective until the first Monday in January, 1928, and since the 87th General Assembly did not other than by virtue of Section 92 of House Bill No. 67 repeal or amend Section 1223, General Code, this section as it now reads will be in effect and in force until said House Bill No. 67 becomes effective. A board of county commissioners may, therefore, proceed under the provisions of Section 1223, General Code, up to the effective date of House Bill No. 67.

Respectfully,
EDWARD C. TURNER,
Attorney General.

986.

COUNTY COMMISSIONERS—MAY LAWFULLY COMBINE SEVERAL AMOUNTS NECESSARY TO CONSTRUCT SEVERAL ROADS IN A SINGLE ISSUE OF BONDS—SECTIONS 6906 AND 2293-24, GENERAL CODE, DISCUSSED.

SYLLABUS:

A board of county commissioners may not lawfully combine the several amounts necessary to construct several roads in a single issue of bonds, under the provisions of Sections 6906, et seq., of the General Code, unless some of the bonds so issued are special assessment bonds, in which case authority for a single issue is contained in Section 2293-24, General Code.

COLUMBUS, OHIO, September 12, 1927.

HON. D. H. PEOPLES, *Prosecuting Attorney, Pomeroy, Ohio.*

DEAR SIR:—Receipt is acknowledged of your recent communication as follows:

“I herewith submit for your opinion the following questions:

The commissioners of Meigs County and the trustees of Sutton Township are improving six (6) separate and distinct pieces of county roads, under the