

I have carefully examined the proposed agreement, find it correct in form, and hereby approve and return the same to you.

Respectfully,
GILBERT BETTMAN,
Attorney General.

1275.

APPROVAL, AS TO FORM, LEASE TO LAND IN VAN BUREN TOWNSHIP, MONTGOMERY COUNTY—NETTIE C. NEWCOM.

COLUMBUS, OHIO, December 9, 1929.

HON. H. H. GRISWOLD, *Director of Public Welfare, Columbus, Ohio.*

DEAR SIR:—You have submitted for my inspection the form of a proposed lease by which Nettie C. Newcom proposes to grant to the State of Ohio 163.31 acres of land located in the township of Van Buren, County of Montgomery, State of Ohio, for a term of two years, beginning March 1, 1930, for the sum of \$1,800.00 per year, payable on March 1, 1930 and March 1, 1931, payment for the second year being dependent upon the necessary appropriation by the General Assembly.

Upon examination, I approve the form and legality of the lease, which should be resubmitted to this department for approval after being executed. I am returning herewith two copies of the lease form and retaining one for our files.

In this connection, you are reminded of Section 2288-2, General Code, which requires a certificate from the Director of Finance relative to there being unencumbered balances to cover the obligation of the contract, which of course should be obtained before said lease is accepted on behalf of the State.

Respectfully,
GILBERT BETTMAN,
Attorney General.

1276.

DISAPPROVAL, BONDS OF VILLAGE OF NORTH OLMSTED, CUYAHOGA COUNTY—\$17,092.41.

COLUMBUS, OHIO, December 9, 1929.

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

GENTLEMEN:

Re: Bonds of Village of North Olmsted, Cuyahoga County, Ohio, \$17,092.41.

The above bonds purchased by your board consist of four street improvement issues. The transcripts of proceedings relative to these four improvements disclose that resolutions declaring the necessity thereof were passed, pursuant to the provisions of Section 3814, General Code, on April 5, 1927. The transcripts further disclose that these issues of bonds were advertised for three weeks, the dates of first publication being September 19 and September 20, 1929. Pursuant to such advertisement these bonds were sold to the company from which you purchased these issues. Section 3924, General Code, prior to repeal by the 87th General Assembly in the enactment

of the Uniform Bond Act, effective August 10, 1927, provided that bonds sold by a municipal corporation shall be to the highest and best bidder after publication of notice of such sale for four consecutive weeks.

I am of the opinion that these proceedings were pending within the meaning of Section 26, General Code, prior to the repeal of Section 3924, the declaratory resolutions passed pursuant to Section 3814 having been passed prior to the effective date of such repeal, and consequently the award of these bonds pursuant to publication of notice of bond sale for three weeks was not a valid award. *Toledo vs. Marrow*, 8 O. C. C. (N. S.) 121; affirmed 75 O. S. 574.

In view of the foregoing, I advise you not to purchase these bonds.

Respectfully,

GILBERT BETTMAN,
Attorney General.

1277.

APPROVAL, ONE GAME REFUGE LEASE.

COLUMBUS, OHIO, December 9, 1929.

HON. J. W. THOMPSON, *Commissioner, Division of Conservation, Columbus, Ohio.*

DEAR SIR:—You have submitted for my approval lease No. 2066, wherein Edwin Shuey, Jr., grants to the state for game refuge purposes for the term of five years, 1302.04 acres situate in the Township of Moorefield in Clark County.

Finding said lease in proper legal form, I have accordingly endorsed my approval thereon and return the same herewith.

Respectfully,

GILBERT BETTMAN,
Attorney General.

1278.

ELECTION—HELD UPON QUESTION OF BOND ISSUE WITHOUT STATUTORY PUBLICATION OF NOTICE—VALIDITY TO BE DETERMINED BY COURT.

SYLLABUS:

The question of the validity of an election authorizing the issuance of bonds when there has been a failure to strictly comply with the provisions of Section 2293-21, General Code, relative to the publication of notice of such election, is one for determination by a proper court upon consideration of all the facts in a specific case.

COLUMBUS, OHIO, December 10, 1929.

HON. W. S. PAXSON, *Prosecuting Attorney, Washington C. H., Ohio.*

DEAR SIR:—Your letter of recent date is as follows:

“At the general election held on November 5th last, there was submitted to the electors of this county the question of issuing bonds in the amount of \$100,000.00 for the construction of a county hospital. The county