

Dan Hall, Middletown, Ohio, part of the M. & E. canal property situate in Butler county, for park and pasturage purposes -----1200.00

*Oil and Gas Lease*

L. G. Neely, St. Marys, Ohio, part of the State Reservoir property in Section 1, Mercer county, Ohio, for oil and gas, royalty one-eighth on all oil and gas.-----

*Water Lease*

*Annual Rental*

S. W. Lyon, Lakeview, Ohio, lynch pipe, M. & E. canal-----24.00

I have carefully examined said leases, find them correct in form and legal, and am therefore returning the same with my approval endorsed thereon.

Respectfully,

JOHN G. PRICE,  
*Attorney-General.*

1254.

APPROVAL. BONDS OF CITY OF WARREN, OHIO, IN AMOUNT OF \$12,500 FOR FIRE APPARATUS.

*Industrial Commission of Ohio, Columbus, Ohio.*

COLUMBUS, OHIO, May 18, 1920.

1255.

DISAPPROVAL, BONDS OF HENRY COUNTY, OHIO, IN AMOUNT OF \$74,000 FOR ROAD IMPROVEMENTS.

COLUMBUS, OHIO, May 18, 1920.

*Industrial Commission of Ohio, Columbus, Ohio.*

Re Bonds of Henry county in the amount of \$74,000 for the improvement of I. C. H. No. 299, being one bond of \$2,000 and eighteen bonds of \$4,000 each.

GENTLEMEN:—I have examined the transcript for the above bond issue and from information therein contained am unable to approve the validity of said bonds. The transcript discloses that the proceedings relative to this road improvement were commenced prior to February 17, 1920. The bond resolution provides for the issuance of bonds under authority of section 1223 G. C. bearing interest at the rate of 5½ per cent. Said section 1223 prior to its amendment, which went into effect February 17, 1920, authorizes the issuance of bonds bearing interest not in excess of 5 per cent. The act of the General Assembly amending section 1223 also amended section 6929 G. C., which provides for the issuance of bonds for county road improvements. The purpose and result of this amending act was to authorize the issuance of bonds under both sections bearing interest at not to exceed 6 per cent per annum, and no other change was made in either section.

The supreme court of Ohio has recently held in the case of *State ex rel vs. Zangerle, Auditor, No. 16578*, that bonds issued by county commissioners under section 6929 for county road improvements, proceedings for which were commenced prior to February 17, 1920, cannot bear interest in excess of 5 per cent; in other words, that the amendment to section 6929 which went into effect February 17 was inoperative as to proceedings for county road improvements then pending.

Following the rule laid down in the case just referred to the same conclusion must be reached relative to state aid road improvements and the bonds issued under section 1223 to pay the cost and expense of a state aid road improvement, proceedings for which were commenced prior to February 17, 1920, cannot bear interest in excess of 5 per cent per annum.

I am therefore of the opinion that said bonds are not valid and binding obligations of Henry county and advise you not to purchase the same.

Respectfully,

JOHN G. PRICE,

*Attorney-General.*

1256.

APPROVAL, FINAL RESOLUTIONS FOR ROAD IMPROVEMENTS IN JACKSON, GEAUGA, SANDUSKY AND UNION COUNTIES, OHIO.

HON. A. R. TAYLOR, *State Highway Commissioner, Columbus, Ohio.*

COLUMBUS, OHIO, May 19, 1920.

1257.

APPROVAL, FINAL RESOLUTIONS FOR ROAD IMPROVEMENT IN ERIE COUNTY, OHIO.

COLUMBUS, OHIO, May 20, 1920.

HON. A. R. TAYLOR, *State Highway Commissioner, Columbus, Ohio.*

DEAR SIR:—The letter of your department of May 19th, signed by Mr. T. S. Brindle, chief highway engineer, is received, enclosing for my opinion the following final resolution:

Lima-Sandusky road, I. C. H. No. 22, Section A, Erie county.

I have noted the special circumstance mentioned in the letter transmitting said resolution, that on July 18, 1919, \$20,000 of the main market road moneys were set aside by your department on account of the work in question, and that subsequently, to-wit: On December 19, 1919, when revising the main market road system of the state, as authorized by section 1189 G. C. (amended 108 O. L. 482), you dropped from the main market road system the section of highway named in said final resolution.

Said section 1189, after providing that if within a certain period, the state highway commissioner for certain specified reasons finds it expedient to abandon as such any of the main market roads

“ \* \* \* he shall vacate and abandon such highways as main market