

Under the provisions of Section 10933, General Code, it is the duty of a guardian of a minor to loan or invest the money of his ward in:

- (a) First mortgages on real estate * * * double the value; or
- (b) United States bonds; or
- (c) In state bonds on which no default has occurred; or
- (d) Bonds of a county or city in this state issued in conformity to law.

This also applies to guardians of incompetents, by the provisions of Section 10991, General Code.

Section 11214, General Code, reads as follows:

“When they have funds belonging to the trust which are to be invested, executors, administrators, guardians, including guardians of the estate of minors, and trustees, may invest them in bonds or certificates of indebtedness of this state, of the United States, or in the bonds or certificates of indebtedness of any county, city, village or school district in this state, on which default has never been made in the payment of interest, or in bonds issued by any bank organized under the provisions of the Act of Congress known as the Federal Farm Loan Act, approved July 17, 1916, and amended thereto, or in such other securities as the court having control of the administration of the trust approves.”

It is evident that aside from the specific investments that may be made by a guardian, investments may be made in other securities on approval by the Probate Court having jurisdiction over the guardianship.

The general rule deducible from the decisions of the Courts, is that the funds received and held by guardians under the provisions of the World War Veterans' Act of 1924, are exempt from taxation, as long as said funds, in whatever form invested, are under the control of said guardians.

In consideration of the foregoing Federal and State statutes and cases herein cited, and the opinion of my predecessor, No. 3007 herein noted, it is my opinion that funds received by guardians for the benefit of their wards under the provisions of the World War Veterans' Act of 1924, held by said guardians, or deposited, or invested by them in the securities named in your various questions, are exempt from taxation by reason of Section 22 of said Act (38 USCA, Section 454).

Respectfully,

GILBERT BETTMAN,
Attorney General.

125.

DISAPPROVAL, LEASE TO OFFICE ROOMS AT 180 EAST LONG STREET,
COLUMBUS, OHIO.

COLUMBUS, OHIO, February 26, 1929.

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

DEAR SIR:—This is to acknowledge receipt of your recent communication submitting for my examination and approval a lease in triplicate to be executed by George L. Gugle, leasing and demising to the State of Ohio, through the Director of Public

Works, the second floor and a part of the basement of a building located at No. 180 East Long Street, Columbus, Ohio.

With the exception of a discrepancy in the terms of said lease as to the amount of rental to be paid for the six months term thereof, the same appears to be in proper form. The discrepancy with respect to the amount of rental to be paid under said lease arises from the fact that it is therein provided that the lessee shall pay during the term of said lease the sum of \$950.00. The monthly installments of rent therein provided for are specified as being \$150.00 for each of the six months of said term which would aggregate the sum of \$900.00. It is obvious that there is an error in these figures some place, either as to the aggregate sum of rental to be paid or as to the monthly installments that shall be due and payable under said lease.

By reason of this discrepancy in the terms of the lease as submitted, I am unable to approve said lease and the same is herewith returned.

In connection with the consideration of said lease, I note that the same is not signed either by George L. Gugle, Lessor, or by the Director of Public Works. It is suggested that the signatures of the Lessor and of the Director of Public Works be secured to said lease before the same is again returned to this department for approval.

With said lease I herewith return to you Encumbrance Estimate No. 5143 which again should be submitted to this department with the corrected lease.

Respectfully,

GILBERT BETTMAN,
Attorney General.

126.

BIDS—DIVISION OF PURCHASES AND PRINTING—MAY NOT RECEIVE
BIDS AFTER SPECIFIED DATE FOR OPENING.

SYLLABUS:

When the Division of Purchases and Printing specifies in a notice mailed pursuant to Section 196-7, General Code, that bids will be received at the office of the Superintendent of Purchases and Printing on a certain date at a certain hour, proposals received subsequent to such fixed time may not be considered in awarding a contract, notwithstanding the fact that such proposals may have been mailed on the day preceding such time for the opening of bids.

COLUMBUS, OHIO, February 26, 1929.

HON. D. C. RYBOLT, *Superintendent of Purchases and Printing, Columbus, Ohio.*

DEAR SIR:—This is to acknowledge receipt of your letter of recent date which is as follows:

“On February 7th, we opened bids on our requirements for paint for the 1930 Auto License Plates.

We are enclosing a copy of the invitation to bid, which was sent to all paint manufacturers who wished to bid.

You will notice that the invitation specifies that the bids were to be opened at 10 o'clock a. m., on February 7, 1929.

One company mailed their bid to us, but their bid was not received until 2 o'clock in the afternoon of the day the bids were to be opened.

Another company sent their bid by air mail and on account of a snow storm the bid did not reach us until the next day.