

opinion same shows a good and merchantable title to said premises in John T. Horrigan, except as follows:

Taxes for the year 1925, amount not yet determined, are unpaid and a lien.

Taxes for the last half of 1924, in the sum of \$13.50, due and payable June 20, 1925, are unpaid and a lien.

A street cleaning assessment of eighty-eight cents (88c) due to the city of Columbus, is unpaid and a lien.

Attention is also directed to the mortgage shown at section 1 of the continuation of June 18, 1924, said mortgage being by John T. Horrigan to the Union Building and Savings Company, recorded in mortgage record 478, page 619, originally for the sum of four hundred dollars (\$400.00). This mortgage is a lien against the premises and is not satisfied of record. Said mortgage should be paid out of the compensation assessed in the appropriation proceedings in the probate court of Franklin county, Ohio, which proceedings are referred to in the entry hereto attached. This should be done and said mortgage thereupon released of record.

Attention is also directed to the necessity of the proper encumbrance certificate of the director of finance to the effect that there are unencumbered balances legally appropriated sufficient to cover the value of the premises under consideration before the purchase can be finally consummated.

Inasmuch as the property here under consideration has been acquired by the state of Ohio in an appropriation proceeding in the probate court of Franklin county, Ohio, and whereas it appears from a court proceeding abstracted at section 2 of the last continuation, that Charles W. Stagg and Elizabeth Stagg claim to have some interest in the premises under consideration, and whereas the plaintiff, John T. Horrigan and said defendants in said action entered into an agreement concerning the distribution of the compensation assessed in the probate court in the appropriation proceedings, it is further suggested that the compensation so assessed be paid and distributed as set forth in an entry in the case of John T. Horrigan, plaintiff, vs. Charles W. Stagg and Elizabeth Stagg, defendants; case No. 98772, in the court of common pleas of Franklin county, Ohio, a copy of which entry is herewith submitted.

The abstract and continuations thereto are herewith returned.

Respectfully,

C. C. CRABBE,
Attorney General.

2491.

DISAPPROVAL, BONDS OF CITY OF KENMORE, SUMMIT COUNTY,
\$6,000.00.

COLUMBUS, OHIO, May 14, 1925.

Re: Bonds of City of Kenmore, Summit County, \$6,000.00.

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

GENTLEMEN:—The transcript submitted for the above issue of bond does not contain the original bond ordinance passed on March 22, 1920, but does contain an amending resolution No. 628, passed on August 2, 1920. This amending resolution recites that bonds have been authorized in the sum of \$117,000.00, for the purpose of paying the village's share of the cost of street improvements in said village, and

that said bonds have been advertised and sold in that amount. The resolution then recites that the amount of the issue was in excess of the limitation of one-half of one per cent of the tax valuation as provided in the Longworth act and that only \$67,000.00 could be legally issued.

Provision is then made for the issuance of bonds Nos. 36 to 45, 56, 61 to 72 and 80 to 117, in all in the sum of \$67,000.00, and then provides that the remainder of said bonds in the sum of \$50,000.00 be sold after January 1, 1921.

So far as shown by the transcript, there were no other proceedings in connection with the issuance of the bonds and the sale thereof, and on January 10, 1921, the officials of the city certified that they did sign the remainder of the issue in the sum of \$50,000.00.

I am of the opinion that this issue of bonds as made, advertised and sold in the aggregate sum of \$117,000.00 has not been sufficiently separated by proper proceedings, and that the officials have violated the limitations as to amount of bonds that can be issued and sold in any one year under the provisions of section 3940, General Code, and also that the same objection would apply to any part of this issue.

You are therefore advised not to accept said bonds.

Respectfully,
C. C. CRABBE,
Attorney General.

2492.

COUNTY AGRICULTURAL SOCIETIES—AUTHORITY OF COUNTY COMMISSIONERS UNDER HOUSE BILL NO. 444 DISCUSSED.

SYLLABUS:

House bill 444 as enacted by the 86th general assembly, was filed in the office of the secretary of state on April 16th, and becomes effective on July 16th, 1925, unless a referendum should be instituted against it. Under the provisions of said act, sections 9894, and 9887-1 of the General Code are repealed, and it is impossible for any relief to be obtained under said sections if the act becomes effective.

COLUMBUS, OHIO, May 15, 1925.

HON. CHARLES V. TRUAX, *Director of Agriculture, Columbus, Ohio.*

DEAR SIR:—Acknowledgement is made of your communication inquiring in reference to the provisions of house bill 444 which was approved by the governor on April 15th and filed in the office of the secretary of state on April 16th, 1925. You inquire in reference to the date it becomes effective, and whether the benefits under sections 9894 and 9887-1 may be secured before the house bill above mentioned, which repeals said sections, becomes effective. You further request a discussion of the benefits that may accrue under said act, and inquire whether county commissioners may designate county fair boards as their agents in the expenditure of money appropriated under the provisions of the act.

As above stated, the bill was filed in the office of the secretary of state on April 16th and will become effective on July 16th, 1925, unless, of course, a referendum should be instituted against it. The act specifically repeals sections 9887-1, 9894, 9895, 9896 and 9897. These repealed sections, of course, will be in full force and effect until the date upon which the act referred to becomes effective.