

"It appeared from the statement in the bill of exceptions, that the person who solemnized a marriage had no license or authority under the laws of the state. There was no other objection to the form of the marriage, and thereafter the parties cohabited as husband and wife. Held, that it was to be inferred from the statement that the parties openly and mutually consented to a contract of present marriage—then to become husband and wife, and thereafter cohabited as such, and that this constituted a legal marriage, and the man having then a wife living, might, on proof of such second marriage, be properly convicted of bigamy."

This case bears out the conclusion reached by me that mere cohabitation after a void marriage does not in itself form the basis for a violation of Section 13022 of the General Code, for if it did it would not have been necessary for the Supreme Court to determine that the facts in this case constituted a common law marriage, for there was no question that the parties were cohabiting together after the marriage had been solemnized.

While the statutes of Ohio generally provide that the venue of crimes is in the counties wherein the offenses are committed, nevertheless there are statutes which make provision that certain offenses may be prosecuted in other counties than where the offenses are committed. However, there is no statute in Ohio which authorizes the prosecution of a person on a charge of bigamy in any other county than that in which the offense was committed, and the offense is committed, as I have heretofore concluded, in the county in which the second marriage took place.

In specific answer to your inquiry, I am of the opinion that where a person marries a second time, while his first spouse is still living, and the first marriage is still in force, and the second marriage is performed in the State of West Virginia, such person cannot be prosecuted in the State of Ohio for the violation of Section 13022, General Code, even though the persons cohabit together in the State of Ohio under the void second marriage.

Respectfully,
GILBERT BETTMAN,
Attorney General.

1410.

APPROVAL, TRANSCRIPT OF PROCEEDINGS FOR SALE OF DRIVEWAY
IN CITY OF HAMILTON TO THE PAULINE M. SCHWARTZ COM-
PANY, HAMILTON, OHIO.

COLUMBUS, OHIO, January 14, 1930.

HON. A. T. CONNAR, *Superintendent of Public Works, Columbus, Ohio.*

DEAR SIR:—This is to acknowledge receipt of your communication of recent date, submitting for my examination and approval a transcript of your proceedings and findings relating to the proposed sale to The Pauline M. Swartz Company, of Hamilton, Ohio, of the interest of the State of Ohio in and to a certain twenty foot driveway in said city, extending easterly from the east line of Third Street to the west line of Smith Street, said driveway being a parcel of land twenty feet in width by sixty-five feet in length; said proposed sale and conveyance being under authority of an act of the 88th General Assembly, passed April 3, 1929 (113 O. L. 523).

The property here in question and the proceedings of your department relating to the sale of said property are the same property and proceedings under considera-

tion by this office at the time of the rendition of Opinion 1222, directed to your predecessor, Hon. Richard T. Wisda, under date of November 23, 1929. I am advised by your communication that the necessity for again submitting the proceedings of your department to this office for approval arises out of the fact that the previous transcript of proceedings, relating to the sale of this property, were mislaid and lost sometime after the approval of said proceedings in former Opinion No. 1222, above referred to, and after you had submitted said transcript to the office of the Governor for the purpose of securing his approval to said proceedings.

In this situation it is not necessary for me to do more than to approve the transcript of the proceedings relating to the sale of the above described property now submitted to me on said former opinion and for the reasons therein given. The proceedings relating to the sale of the above described property are, therefore, approved by me, as is evidenced by my approval endorsed upon the transcript submitted and the duplicate copy thereof.

I am likewise herewith returning with my approval deed form of deed to be executed by the Governor, conveying this property to The Pauline M. Schwartz Company. This approval is given subject to a change to be made in the last line of said deed form which will change the word twenty-nine to thirty.

Respectfully,

GILBERT BETTMAN,
Attorney General.

1411.

APPROVAL, DEED TO LAND OF EDAR C. MILAR IN GOSHEN TOWNSHIP, TUSCARAWAS COUNTY, OHIO.

COLUMBUS, OHIO, January 14, 1930.

HON. ROBERT N. WAID, *Director of Highways, Columbus, Ohio.*

DEAR SIR:—This is to acknowledge receipt of your recent communication, submitting for my examination and approval a warranty deed executed by one Edar C. Milar, by which there is conveyed to the State of Ohio a certain tract of 1.03 acres of land in Goshen Township, Tuscarawas County, Ohio, which tract of land is more fully described in said deed.

An examination of the deed submitted shows that the defects in said deed, as originally submitted to me and pointed out in Opinion No. 1378, directed to you under date of January 8, 1930, have been corrected.

Said deed is accordingly approved and returned to you.

Respectfully,

GILBERT BETTMAN,
Attorney General.