

haps increased the other items of the budget for said school district. Clearly this commission had no authority to increase any of said items. In view of all the circumstances it is very apparent that the action taken by the budget commission in connection with this levy was an abuse of its discretion and as above indicated could have properly been enjoined from taking the action it did by the board of education or the library board at the proper time. However, it is believed that due to the time that has elapsed there is no remedy available at this time. The amounts that were levied were made for specific purposes and must be applied to the purposes for which said levies were made.

In specific answer to your inquiry you are advised that it is the opinion of this department that notwithstanding the wrongful action taken by the budget commission, the levies as made must be applied to the purposes for which they were levied and that the treasury of the school district cannot legally be diminished by the payment of funds to the library board to make up what it has lost by reason of the action of the budget commission.

Respectfully,
 JOHN G. PRICE,
Attorney-General.

1229.

TEACHERS—WHEN STATE LIFE ELEMENTARY CERTIFICATE MAY
 BE ISSUED WITHOUT EXAMINATION SUBSEQUENT TO 1920.

Under the provisions of section 7807-8 G. C., the superintendent of public instruction is authorized to prescribe a course of professional reading and study, upon the completion of which and compliance with other conditions imposed by law, a state life elementary certificate may be issued without examination subsequent to 1920.

COLUMBUS, OHIO, May 8, 1920.

HON. VERNON M. RIEGEL, *Superintendent of Public Instruction, Columbus, Ohio.*

DEAR SIR:—Acknowledgment is made of the receipt of your letter of recent date, which is as follows:

“Section 7807-8 in its latter sentences provides that a state life elementary certificate shall be issued to a person who has completed a ‘one-year normal course * * * or who has done such professional reading and study as the superintendent of public instruction may require * * *’; and ‘* * * that no life certificate authorized by this sub-section to be issued to graduates of a one-year normal course shall be issued unless application be made prior to the year 1920.’ You will observe that this wording does not say that a certificate may not be granted even if application is made after the date named to a person who has done such professional reading and study as the superintendent of public instruction may require and who has of course fulfilled the other conditions of high school training and experience.

We ask whether this section is to be construed as giving the superintendent of public instruction authority at this time to prescribe professional reading and study, upon the completion of which a life elementary certificate may be issued subsequent to this date.”

Section 7807-8 G. C. in effect authorizes the granting of state life elementary certificates without examination to three classes of applicants:

1. To those who have completed a four-year high school course or its equivalent and have had a two-year normal course in an institution approved by the superintendent of public instruction, and in addition thereto have had at least fifty months of experience in teaching, satisfactory to the state board of examiners.

2. To those who have completed a four-year high school course or its equivalent, have had a one-year normal course in an institution approved by the superintendent of public instruction and in addition thereto have had at least one hundred months of experience in teaching, satisfactory to the state board of examiners.

3. To those who have had the same qualifications required for applicants described in the second clause herein, except that in lieu of training in an approved normal institution they have done such professional reading and study as the superintendent of public instruction may require.

That part of this section which says:

“provided, however, that no life certificate authorized by this subsection to be issued to graduates of a one-year normal course shall be issued unless application therefor be made prior to the year 1920”

excludes only graduates of a one-year normal course and is not intended to apply to any who have done the required professional reading and study.

Your question therefore is answered in the affirmative.

Respectfully,

JOHN G. PRICE,
Attorney-General.

1230.

TAXES AND TAXATION—WHEN INTEREST OF VENDOR IN CONTRACT FOR SALE OF LAND, REPRESENTING DEFERRED INSTALLMENTS OF PURCHASE MONEY IS TAXABLE AS A CREDIT.

The interest of a vendor in a contract for the sale, possession and conveyance of land, representing the deferred installments of the purchase money, is taxable as a credit, though the contract contains a clause providing that in the event of default in the payment of any such installment, the vendor at his option may avoid the contract and in that event the installments previously paid are to be regarded as rent and as liquidated damages, and the vendee is to yield up the possession.

COLUMBUS, OHIO, May 8, 1920.

Tax Commission of Ohio, Columbus, Ohio.

GENTLEMEN:—Acknowledgment is made of the receipt of your letter of recent date submitting a form of land contract and requesting the opinion of this department as to whether or not the amount remaining unpaid on the contract on the day preceding the second Monday of April, 1920, is taxable as a credit against the vendor.

The vendor's interest in an ordinary land contract is clearly a taxable credit. *Rheinboldt vs. Raine*, 52 O. S. 160.

It is sought to escape this rule by calling attention to the following stipulation of the contract now submitted.