

than a large percentage of the buildings erected within the municipality. It, therefore, appears that a cadastral survey is clearly a permanent improvement as defined in the aforementioned section of the Uniform Bond Act.

Section 3939 of the General Code, prior to amendment in 1927, set forth in tabulated form certain specific purposes for which a municipality may issue bonds. This section, however, was amended and made a part of the Uniform Bond Act. There is now set forth a tabulation not of purposes for which a municipality may issue bonds, but of powers which a municipality shall have, which powers are stipulated to be "in addition to other powers conferred by law." The provisions of Section 2293-2, supra, providing for the issuance of bonds, naturally refer, in the case of municipalities, to powers of such municipalities as defined in Section 3939, General Code. It is noted that said Section 3939, in specifically stating that the powers therein set forth shall be in addition to other powers conferred by law, greatly broadens the powers of a municipality in the issuance of bonds, which are, of course, always subject to the limitations set forth in said Section 2293-2.

In further substantiation of the evident intent of the Legislature not to limit a municipality in issuing bonds to certain specified purposes, attention is directed to Section 2293-9, which provides for maximum maturities for various classes of bonds. After referring to rapid transit bonds, real estate bonds, road, highway, waterworks, storm sewer bonds, and numerous other classes, said section expressly provides as follows:

"Class (H) Purposes not included in the foregoing classes, such number of years not less than five and not exceeding thirty as is the estimated period of usefulness, such estimate to be made by the fiscal officer."

Clearly it is contemplated in the Uniform Bond Act that bonds may be issued by a taxing authority for purposes other than those specifically mentioned therein, provided that such purpose or purposes are for acquiring or constructing a permanent improvement which such subdivision is authorized to acquire or construct. As to the authority of a municipality to make either a cadastral survey or any other kind of a survey within its own corporate limits, I believe there can be no question, since the people of Ohio adopted the so-called home rule provisions of the Ohio Constitution.

In view of the foregoing, I am of the opinion that a municipality is authorized by the Uniform Bond Act to issue bonds for the purpose of paying the cost of a cadastral survey.

Respectfully,
GILBERT BETTMAN,
Attorney General.

240.

APPROVAL, BONDS FOR THE FAITHFUL PERFORMANCE OF THEIR DUTIES AS RESIDENT DISTRICT DEPUTY DIRECTORS—FOUR DIRECTORS.

COLUMBUS, OHIO, March 25, 1929.

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

DEAR SIR:—You have submitted for my consideration four bonds in the sum of five thousand dollars each and conditioned for the faithful performance of the duties of the principals as resident district deputy directors, as follows:

M. O. Enterline, principal, Division No. 1, upon which the Massachusetts Bonding and Insurance Company appears as surety.

Harry D. Metcalf, principal, Division No. 6, upon which the Indemnity Insurance Company of North America appears as surety.

Walter V. Scott, principal, Division No. 7, upon which The Ohio Casualty Insurance Company of Hamilton, Ohio, appears as surety.

Frayne L. Combs, principal, Auglaize County, upon which The Ohio Casualty Insurance Company appears as surety.

The above bonds are given in pursuance to the provisions of Section 1162 of the General Code, which section specifically requires that resident district deputy directors give bond in the amount above indicated, with sureties to your approval. The bonds have been properly executed and bear your approval thereon.

It is further noted that in the official roster of the Division of Insurance the sureties heretofore mentioned have been duly authorized to transact business in Ohio.

In view of the foregoing, I have approved said bonds as to form and return the same herewith.

Respectfully,
GILBERT BETTMAN,
Attorney General.

241.

APPROVAL, NOTES OF BOKESCREEK RURAL SCHOOL DISTRICT,
LOGAN COUNTY—\$75,000.00.

COLUMBUS, OHIO, March 25, 1929.

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

242.

MUNICIPALITY—MAY FURNISH WITHOUT CHARGE PRODUCTS OF
ITS WATERWORKS, GAS OR ELECTRIC PLANT FOR MUNICIPAL
AND PUBLIC PURPOSES—CONDITIONS.

SYLLABUS:

A municipality which owns its own waterworks, gas or electric plant, may lawfully provide by ordinance of its council or other legislative authority to furnish free of charge the product of such plant for municipal or public purposes, if the cost of furnishing the same is met from the general revenue fund of the corporation and not prorated among the other patrons of the waterworks, gas or electric plant who are charged service rates based on the cost of the management and operation of the plant.

COLUMBUS, OHIO, March 26, 1929.

Bureau of Inspection and Supervision of Public Offices, Columbus, Ohio.

GENTLEMEN:—This will acknowledge receipt of your request for my opinion as follows: