

2764.

APPROVAL, BONDS OF VILLAGE OF EAST YOUNGSTOWN, OHIO, IN  
AMOUNT OF \$950 FOR STREET IMPROVEMENTS.

COLUMBUS, OHIO, December 31, 1921.

*Department of Industrial Relations, Industrial Commission of Ohio, Columbus,  
Ohio.*

Re: Bonds of the Village of East Youngstown in the amount of \$950.00 in anticipation of the collection of special assessments for the construction of sidewalks on Main street, 1 bond payable in 5 installments of \$190 each—6 per cent.

GENTLEMEN:—I have examined the transcript of the proceedings of the council and other officers of the village of East Youngstown, relative to the above bond issue and find the same regular and in conformity with the provisions of the General Code.

I am of the opinion that a bond for said issue with combined principal and interest coupons attached, drawn in accordance with the bond ordinance authorizing the same and in compliance with the resolution of the industrial commission adopted under authority of section 1465-58a G. C. will, upon delivery, constitute a valid and binding obligation of said village.

The resolution of the industrial commission purchasing the above bonds contains a recital that they shall bear date September 1, 1922, and fall due on September 1st of each year commencing in 1923 and ending in 1928. In order to comply with the law relative to the issuance of said bonds council of the village of East Youngstown has since the passage of the resolution of purchase amended its proceedings so that the bonds bear date December 31, 1921, and fall due one bond each year commencing December 31, 1923, and ending December 31, 1928. I suggest the correction of your records to meet the change in the proceedings of the village council.

Respectfully,

JOHN G. PRICE,  
*Attorney-General.*

2765.

APPROVAL, BONDS OF VILLAGE OF EAST YOUNGSTOWN, OHIO, IN  
AMOUNT OF \$1,975 FOR STREET IMPROVEMENTS.

COLUMBUS, OHIO, December 31, 1921.

*Department of Industrial Relations, Industrial Commission of Ohio, Columbus,  
Ohio.*

Re: Bonds of the village of East Youngstown in the amount of \$1,975.00 in anticipation of the collection of assessments for the construction of sidewalks on Fitch street, 1 bond payable in 5 installments of \$395.00 each—6 per cent.

GENTLEMEN:—I have examined the transcript of the proceedings of the council and other officers of the village of East Youngstown, relative to the

above bond issue and find the same regular and in conformity with the provisions of the General Code.

I am of the opinion that a bond for said issue with combined principal and interest coupons attached, drawn in accordance with the bond ordinance authorizing the same and in compliance with the resolution of the industrial commission adopted under authority of section 1465-58a G. C. will, upon delivery, constitute a valid and binding obligation of said village.

The resolution of the industrial commission purchasing the above bonds contains a recital that they shall bear date September 1, 1922, and fall due on September 1st of each year commencing 1923 and ending 1928. In order to comply with the law relative to the issuance of said bonds council of the village of East Youngstown has since the passage of the resolution of purchase amended its proceedings so that the bonds bear date December 31, 1921, and fall due one bond each year commencing December 31, 1923, and ending December 31, 1928. I suggest the correction of your records to meet the change in the proceedings of the village council.

Respectfully,

JOHN G. PRICE,  
*Attorney-General.*

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2766.

DISAPPROVAL, BONDS OF VILLAGE OF WEST LIBERTY, OHIO, IN AMOUNT OF \$5,500 FOR PURCHASE OF AUTOMOBILE FIRE TRUCK.

COLUMBUS, OHIO, December 31, 1921.

*Department of Industrial Relations, Industrial Commission of Ohio, Columbus, Ohio.*

Re: Bonds of the village of West Liberty in the amount of \$5,500 for the purchase of an automobile fire truck with equipment, including chemical attachment.

GENTLEMEN:—The bonds under consideration were issued under authority of a vote of the electors of the village of West Liberty at an election held pursuant to the provisions of section 3942 G. C. It appears from the transcript furnished for my examination that the resolution of council authorizing an election to be held upon the question of issuing such bonds was adopted September 16, 1921, upon the first reading of the resolution and without suspension of the rule as required by section 4224 G. C. In view of the decision of the supreme court in the case of the Elyria Gas and Water Co. vs. City of Elyria, 57 O. S., 347, the failure of council to cause the resolution to be read upon three separate days or to suspend the operation of such rule by a three-fourths vote of all members of council was a fatal error by reason of which all subsequent proceedings were of no effect.

The transcript also discloses that the bond resolution adopted subsequent to the election and pursuant to the authority secured at said election was adopted upon its first reading and without suspension of the rule referred to.

The transcript is otherwise incomplete and fails to supply information necessary to intelligently pass upon the validity of the bond issue. This fur-