

charged with doing the thing will be compelled to execute it as the law directs, and prohibited from doing it otherwise. But, where the thing is authorized to be done and is done by the party charged with doing it, but done in a manner contrary to that directed by the statute, the court will not compel the official to pay back the money and let the public continue to enjoy the benefits of its expenditure. If it is made to appear that the expenditure was in good faith, and the public has got that which it was entitled to, good conscience forbids the recovery. The law therefore denies it."

So with respect to the case here presented, although the contracts for the purchase of the coal here in question were illegal, and could not have been enforced by either party, yet said contracts having been fully executed and payment for the coal made, no actions can be maintained for the recovery of the money so paid in the absence of a showing of actual fraud or that the price paid for such coal was substantially in excess of the reasonable value of the same.

I am of the opinion, therefore, that your second question should be answered in the negative.

Respectfully,
EDWARD C. TURNER,
Attorney General.

2491.

APPROVAL, BONDS OF THE VILLAGE OF LYNDBURST, CUYAHOGA COUNTY—\$30,000.00—PURCHASED FOR THE ACCOUNT OF THE SCHOOL MINISTERIAL TRUST FUND.

COLUMBUS, OHIO, August 25, 1928.

HON. JOSEPH T. TRACY, *Auditor of State, Columbus, Ohio.*

2492.

APPROVAL, BONDS OF THE VILLAGE OF LYNDBURST, CUYAHOGA COUNTY, OHIO—\$200,000.00.

COLUMBUS, OHIO, August 25, 1928.

Industrial Commission of Ohio, Columbus, Ohio.