

503.

DISAPPROVAL, BONDS OF CITY OF GIRARD,, TRUMBULL COUNTY—
\$7,100.00.

COLUMBUS, OHIO, May 16, 1927.

Re: Bonds of City of Girard, Trumbull County, \$7,100.00.

Industrial Commission of Ohio, Columbus, Ohio.

GENTLEMEN:—Upon examination of the transcript for the above bond issue I note that the original ordinance levying the special assessments was passed prior to notice of the filing of the assessments. Subsequently notice was given and a new assessing ordinance passed. It therefore appears that the only valid assessment is pursuant to the ordinance passed April 25, 1927.

Bonds can not now be issued in anticipation of the levy of assessments but only in anticipation of their collection. The bond ordinance was passed at the same time as the original assessment ordinance, namely, on February 14, 1927, and hence there was no valid assessment ordinance in effect at the time the bonds were authorized.

I am of the opinion that a new bond ordinance should have been passed after a valid assessment ordinance and that therefore the present bond issue being predicated on the earlier ordinance is not valid.

For the reasons stated I am of the opinion that the bonds should be rejected.

Respectfully,

EDWARD C. TURNER,

Attorney General.

504.

APPROVAL, BOND FOR FAITHFUL PERFORMANCE OF DUTIES—H. C.
MILLER.

COLUMBUS, OHIO, May 18, 1927.

HON. GEORGE F. SCHLESINGER, *Director of Highways and Public Works, Columbus, Ohio.*

DEAR SIR:—You have submitted for my consideration an official bond of H. C. Miller, given in accordance with the requirements of Section 1182 of the General Code, for the faithful performance of his duties as Resident Deputy State Highway Commissioner.

To this bond, is attached a certificate of the surety company, to the effect that the person signing said bond in behalf of said company is its attorney in fact, and is authorized to sign an official bond of this nature for the amount therein involved, binding upon said company.

There is also attached a certificate from the Department of Commerce, Division of Insurance, to the effect that the surety company signing this bond is authorized to transact its appropriate business of fidelity and surety insurance within this state.

Finding said bond in proper legal form and properly executed, I have noted my approval thereon, and am returning the same herewith to you.

Respectfully,
EDWARD C. TURNER,
Attorney General.

505.

APPROVAL, NOTES OF SCHOOL DISTRICTS IN COSHOCTON, GUERNSEY AND JACKSON COUNTIES.

COLUMBUS, OHIO, May 18, 1927.

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

506.

GENERAL CORPORATION ACT—SECTION 8623-14, GENERAL CODE, CONSTRUED—PURPOSE CLAUSE IN THE ARTICLES OF INCORPORATION OF CORPORATION ORGANIZED UNDER THE PRESENT LAW MAY NOT BE CHANGED BY AMENDMENT SO AS SUBSTANTIALLY TO CHANGE THE PURPOSE.

SYLLABUS:

Section 8623-14 of the new general corporation act confers no broader power of amendment of the purpose clause of corporations organized prior to the effective date of such act, than exists under the present corporation law. In other words, the purpose clause in the articles of incorporation of corporations organized under the present law may not be changed by amendment so as to change substantially the purpose.

COLUMBUS, OHIO, May 19, 1927.

HON. CLARENCE J. BROWN, *Secretary of State, Columbus, Ohio.*

DEAR SIR:—This will acknowledge receipt of your recent communication as follows:

“The Secretary of State has been in receipt of a number of requests for information as to the extent amendments of purpose clause in articles already on file will be permitted under the new general corporation act. Your attention is particularly directed to Section 8623-14, wherein certain limitations are put upon the power of amendment.

We enclose herewith communication from Mr. ———, which will serve as a sample of requests such as indicated.

We would appreciate your early opinion in the above connection as the question is one which the department very frequently has to meet.”