

a tax for the payment of the bonds and not later than eleven months thereafter. As the final tax settlement for taxes levied for the year 1922 occurs in August, 1923, it follows that the first bond should mature not later than eleven months after September 1, 1923.

I therefore advise you that the bonds under consideration were not issued in accordance with the provisions of the General Code and that you should not purchase the same.

Respectfully,  
 JOHN G. PRICE,  
*Attorney-General.*

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3304.

DISAPPROVAL, BONDS OF ELYRIA TOWNSHIP RURAL SCHOOL DISTRICT, \$14,000.

COLUMBUS, OHIO, July 5, 1922.

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

Re: Bonds of Elyria Township Rural School District, \$14,000, for the stated purpose of funding a deficiency in the funds of said school district.

GENTLEMEN:—I have examined the transcript submitted to me of the proceedings of the board of education of Elyria Township Rural School District relating to the above issue of bonds and find that I am required to disapprove the same. This issue is one under the assumed authority of sections 5656 and 5658 G. C. for the stated purpose of funding a deficit in the funds of said school district in the above amount.

This issue of bonds is predicated on the following recital contained in the resolution providing for said issue:

“Whereas, as such fiscal officer he (the clerk) has certified to this board as follows: That there exists as of May 1, 1922, a deficit in the funds of the Elyria Township School District, Lorain County, Ohio, amounting to, in the aggregate, \$14,000.00; and that sufficient funds are not available in the treasury nor in the process of collection coming into said district to pay the indebtedness within the current year. He has further certified that the limits of taxation of said district will not permit levying of a sufficient amount to pay said indebtedness within the next school year.”

It is obvious that the above quoted recital of facts does not afford a sufficient predicate for an issue of bonds under the authority of sections 5656 and 5658 G. C. Section 5656 G. C. authorizes the issue of bonds for the purpose of funding existing indebtedness of the school district as to which the board of education is required to find that said indebtedness is an existing, valid and binding obligation of said school district and as to which the board of education is likewise required to affirmatively find and declare said school district is unable to pay at maturity by reason of its limits of taxation.

The resolution providing for this bond issue does not contain either of the find-

ings required by sections 5656 and 5658 G. C. and for this reason the issue of bonds provided for in this resolution must be disapproved.

It is altogether possible that this deficit in the funds of said school district is represented by existing, valid and subsisting items of indebtedness which may be properly funded by an issue of bonds on a resolution of the board of education conforming to the requirements of the above noted sections of the General Code. But it is certain that the resolution submitted does not conform to the requirements of these sections.

For the reason above mentioned, you are advised not to purchase this issue of bonds.

Respectfully,  
 JOHN G. PRICE,  
*Attorney-General.*

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3305.

DISAPPROVAL, BONDS OF WASHINGTON CITY SCHOOL DISTRICT,  
 FAYETTE COUNTY, \$40,000.

COLUMBUS, OHIO, July 5, 1922.

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

Re: Bonds of Washington City School District, Fayette County, Ohio, \$40,000, for the purpose of constructing a building for school purposes and an addition to a school house already constructed.

GENTLEMEN:—I have examined the transcript submitted of the proceedings of the board of education of Washington City School District relating to the above issue of bonds and find that I am required to disapprove the same for the reason that in the adoption of the resolution providing for this issue of bonds the board of education apparently ignored the provisions of section 5120 G. C., which provides as follows:

“In school elections, the returns shall be made by the judges and clerks of each precinct to the clerk of the board of education of the district, not less than five days after the election. Such board shall canvass such returns at a meeting to be held on the second Monday after the election, and the result thereof shall be entered upon the records of the board.”

The transcript shows that on April 17, 1922, the board of education adopted a resolution providing for the submission of the bond issue proposition to the electors of the school district at an election to be held on the 24th day of May, 1922; that the election was held upon said date and that at an adjourned meeting of the board held on May 31, 1922 the resolution providing for the issue of the bonds here in question was adopted. The transcript shows further that on May 26, 1922, the board of education appointed a committee of two of its members to make a canvass of the vote at said special election on the question of said bond issue and to report back to the board and that on June 5, 1922, said committee made its report to the board showing that 465 votes were cast in favor of said bond issue and 238