

question of law applicable to all cases. I am inclined to the view that, the courts would be justified in considering each case upon the particular set of facts surrounding it. Conceivably, if a particular extension involved the extension of water mains whereby new consumers were to be served and the increased operating expense resulting from such extension were negligible, it might accurately be said that under proper circumstances the income "is sufficient." On the other hand, if the extension involved the installation of a filtration plant at considerable expense with no direct prospect of increased revenue, upon completion of such extension by reason of increased operating expenses and larger funded debt, the utility bonds may be entirely within the limitations of net indebtedness provided. The number of failures of businesses which have been profitable until expansion, and, as a result of expansion, have gone into receivership or bankruptcy is too numerous to require further comment on this matter of extension or expansion. I adhere to the view that as an abstract principle, when bonds are issued for the extension of a waterworks insofar as after the completion of such extension the operating costs may be changed, the earnings after such completion may only at the time of issuance of such bonds be estimated. However, on account of established administrative practice and until the contrary rule is laid down by a court of competent jurisdiction, bonds to be issued for the extension of a waterworks may be outside the next limitations of indebtedness which may be incurred by a municipality as excepted in paragraph (d) of Section 2293-14, General Code, providing and to the extent that the income from such waterworks is sufficient to cover the cost of all operating expenses and interest charges on all outstanding waterworks bonds and also such extension bonds presently to be issued, and to provide a sufficient amount for the retirement of all such bonds as they become due.

Respectfully,

GILBERT BETTMAN,
Attorney General.

550.

APPROVAL, FINAL RESOLUTIONS ON ROAD IMPROVEMENTS IN
ASHLAND AND SANDUSKY COUNTIES.

COLUMBUS, OHIO, June 21, 1929.

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

551.

APPROVAL, ABSTRACT OF TITLE TO LAND IN THE VILLAGE OF
BEREA, OHIO, FOR STATE ARMORY.

COLUMBUS, OHIO, June 21, 1929.

HON. A. W. REYNOLDS, *Adjutant General, Columbus, Ohio.*

DEAR SIR:—This is to acknowledge receipt of your communication of even date