

124.

APPROVAL, BONDS OF VILLAGE OF EUCLID, CUYAHOGA COUNTY, \$6,360, TO CONSTRUCT A SEWER AND WATER CURB CONNECTIONS IN OVERLOOK ROAD.

COLUMBUS, OHIO, March 6, 1923.

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

125.

DISAPPROVAL, BONDS OF VILLAGE OF PATASKALA, \$4,500.00.

COLUMBUS, OHIO, March 6, 1923.

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

Re: Bonds of village of Pataskala, \$4,500.00.

GENTLEMEN:—I have examined the transcript submitted for the above issue of bonds and cannot approve the same for the following reasons:

The resolution was passed by council August 7, 1917, authorizing the mayor and clerk to borrow \$2,000.00 from the bank to provide funds to complete a town hall, and the resolution recites that the reason that funds were needed was because of the failure of the contractor, and the money was to be borrowed for "six months, until such time that said damages may be collected from said bondmen and said contractor."

A second resolution was passed by council December 19, 1917, authorizing the building committee to borrow an additional \$2,500.00, for the same purpose for a period of forty-eight days and a certificate of indebtedness was to be issued therefor signed by the mayor and clerk. Council again authorized the mayor to institute proceedings against the contractor and bondmen, etc.

Following these resolutions, council by thirteen different resolutions extended the time of payment of this obligation from three months to one year by each proceeding.

There is no showing whatever as to the resolution of the proceedings instituted against the contractor and bondmen. There is no showing as to what became of the funds that originally should have been certified, as provided by the Burns law.

The law contemplates that protection should have been so provided to guard against a deficiency in funds for this improvement. Even if council could have borrowed money on certificates, of indebtedness for the purpose named, the law does not provide for the extended borrowing and renewal for the debts as herein shown.

I am therefore of the opinion that these bonds are not legal and valid obligations of said village and advise the Industrial Commission not to purchase them.

Respectfully,

C. C. CRABBE,

Attorney General.