

3781.

## DISAPPROVAL, BONDS OF VILLAGE OF ASHVILLE, PICKAWAY COUNTY, \$5,000.00.

COLUMBUS, OHIO, November 1, 1926.

Re: Bonds of Village of Ashville, Pickaway County, \$5,000.00.

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

GENTLEMEN:—There has been submitted to this office in connection with the foregoing issue of bonds a copy of the purported bond ordinances and minutes showing the passage of the same. Also a newspaper clipping and certificate that the same was published in the Pickaway County News for four weeks, giving notice of the sale of the bonds.

The bond ordinance is fatally defective in the following respects:

It does not provide any maturities whatever for the bonds and does not make any provision for the levying of a tax to meet the maturing bonds and interest as they would be required to fall due.

The minutes showing the passage of the bond ordinance are to the effect that the rules be suspended and the ordinance passed. This motion was adopted by all the members of council. The statute providing for the suspension of rules by a vote of three-fourths of the members of council contemplates a separate vote on this question and should not be combined with a vote on the passage of the ordinance.

As stated herein, the transcript contains only one advertisement of the sale of the bonds, whereas section 3924 of the General Code provides that such advertisement shall be made in two newspapers of general circulation in the municipality.

The most serious defect, however, is the fact that the bond ordinance is so incomplete, indefinite and uncertain and fails to make provision for maturities and a sinking fund levy, and for that reason cannot be passed as a proceeding that will make a valid and legal obligation of the municipality.

For the foregoing reasons, you are therefore advised not to accept said bonds.

Respectfully,

C. C. CRABBE,  
*Attorney General.*

3782.

## DISAPPROVAL, BONDS OF CANFIELD VILLAGE SCHOOL DISTRICT, MAHONING COUNTY, \$9,000.00.

COLUMBUS, OHIO, November 1, 1926.

Re: Bonds of Canfield Village School District, Mahoning County, \$9,000.00.

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

GENTLEMAN:—The transcript submitted for the foregoing issue of bonds discloses that said bonds have been issued under the provisions of section 7630-1 of the General Code.

The proceedings for the issuance of the bonds have been based on school order No. 75 following the inspection of a high school located in said village, and the order

is signed by George H. Hamilton, Chief Deputy. There is no record in the transcript showing the approval by the Department of Industrial Relations and no approval by the Director thereof, or any seal of his office, showing that the same has been acted upon as provided by the statute.

In the case of Industrial Commission of Ohio vs. Snyder et al., 113 O. S., 405, the holding of the Supreme Court is contained in the following syllabus:

"The provisions of such Code require the administration of the affairs of that department by the Director of Industrial Relations and provide for the keeping within the department such records and journals as are necessary to exhibit its official acts and proceedings. A letter addressed to the board of education, signed only by the Chief of the Division of Factory Inspection, giving notice that the use of the school building is prohibited, unless designated changes are made by a specified time, there being no record of any official action by the department with reference to such matter, or showing any authority conferred upon the chief of the division of factory inspection relative thereto, is not an order of the department whereon may be predicated action by the board of education to issue and sell bonds of the district for the erection of a school building pursuant to the provisions of section 7630-1 General Code, as it existed April 9, 1923."

In view of the holding of the court on an order similar to the one contained in this transcript, I am compelled to disapprove the legality of the issue of bonds and you are advised not to accept the same.

Respectfully,  
C. C. CRABBE,  
*Attorney General.*

3783.

APPROVAL, LEASE BETWEEN HIGHWAYS DEPARTMENT AND THE  
W. C. JOEST REALTY COMPANY, COLUMBUS, OHIO, FOR THE FUR-  
NISHING OF DIRT TO FILL BARROW PITS IN FAIRFIELD COUNTY.

COLUMBUS, OHIO, November 2, 1926.

HON. G. F. SCHLESINGER, *Director of Highways and Public Works, Columbus, Ohio.*  
Attention—Mr. Wisda.

DEAR SIR:—Acknowledgement is made of your communication, submitting article of proposed agreement between your department and The W. C. Joest Realty Company of Columbus, for the Furnishing of dirt of fill barrow pits in Fairfield County.

Upon consideration it is believed that said lease is in proper legal form and the same is hereby approved as to form and returned herewith.

Respectfully,  
C. C. CRABBE,  
*Attorney General.*