

In a letter directed to the clerk of said village under date of August 8, 1922, I pointed out a correction to be made in the transcript so as to show that both of these certificates had been filed by said clerk with the council of the village. In response to this letter I am in receipt of the corrected transcript in which the clerk under date of August 24, 1922, makes certificate as follows:

"I hereby certify that the funds to be derived from the sale of said bonds are not for current expense but are issued to construct an improvement of a permanent nature the life of which is in excess of five years.

Also certify that this issue of bonds for \$2,000.00 for said improvement comes within the class designated by section 2295-10."

It is apparent that this certificate not only failed to conform to the requirements of section 2295-10 G. C. with respect to the certificate of maximum maturities to be filed by the clerk with council, but it is likewise reasonably apparent that neither of said certificates were filed with council prior to the time it passed the ordinance providing for this issue of bonds.

Whatever may be said with respect to the question as to when the certificate required by section 2295-7 G. C. is required to be filed by the clerk, there is no question but that under the provisions of section 2295-10 G. C. the certificate with respect to maximum maturities is required to be filed before council passes the ordinance providing for the issue of bonds.

It is quite apparent that the provisions of section 2295-10 G. C. were not complied with by the clerk before the council of the Village of Milford passed the ordinance providing for the issue of bonds here in question and for this reason said issue is disapproved and you are advised not to purchase the same.

Respectfully,

JOHN G. PRICE,
Attorney-General.

3586.

DISAPPROVAL, BONDS OF INDEPENDENCE VILLAGE SCHOOL DISTRICT, CUYAHOGA COUNTY, \$100,000, TO PURCHASE SITE AND ERECT SCHOOL BUILDING.

COLUMBUS, OHIO, September 8, 1922.

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

Re: Bonds of Independence Village School District, Cuyahoga county, \$100,000, for the purpose of purchasing a site for and erecting and furnishing a fire-proof school building to replace a building condemned by the Division of Workshops and Factories of the Department of Industrial Relations.

GENTLEMEN:—The transcript submitted to me with respect to the proceedings of the board of education and of other officers of said school district relating to the above noted issue of bonds shows that the same is an issue of bonds under authority of section 7630-1 G. C., as amended in the provisions of the Griswold Act, for the purpose of purchasing a site for and erecting and furnishing a school house to replace a school building in said school district which has been condemned by the Department of Industrial Relations of the State of Ohio through the Division of Workshops and Factories.

The transcript shows that of the aggregate amount of this bond issue, to-wit, the sum of \$100,000, the sum of \$2,600 is for the specific purpose of purchasing a site and payment of balance due on existing school property; \$89,817 is for the erection of a fire-proof school house; \$4,583 is for interest on proposed bonds and \$3,000 is for furniture and furnishings for said school house.

It has been quite uniformly held by this department in construing the provisions of section 7630-1 G. C. prior to its recent amendment in the enactment of the Griswold Act, so-called, that said section did not authorize a board of education to issue bonds for the purpose of purchasing a new site for the erection of a school house to replace one which had been condemned by the Division of Workshops and Factories of the Industrial Commission of Ohio. Opinions of Attorney-General, 1914, Volume II, page 1128; Opinions of Attorney-General, 1919, Volume I, page 871. Likewise, although the question is probably a somewhat closer one, this department has held in construing the provisions of said section 7630-1 before its recent amendment that its provisions did not authorize a board of education to issue bonds under the authority of said section for the purpose of furnishing a school house erected to replace one which had been condemned in the manner above stated. Opinions of Attorney-General, 1919, Volume 1, page 871; Opinions of Attorney-General, Volume I, page 825, 1920.

By reason, therefore, of the inclusion in this issue of bonds for said unauthorized purpose, I am required to disapprove said issue and advise you not to purchase the same. Inasmuch as said issue is one by the board of education without a vote of the electors it is probable that said bond issue is invalid only to the extent of the amount covered by said unauthorized purpose, but inasmuch as you have not in your resolution indicated any purpose to purchase any part of said issue other than the whole issue provided for by the resolution of the board of education I feel that I have no discretion to do otherwise than to disapprove said issue for the reasons above stated.

Respectfully,

JOHN G. PRICE,
Attorney-General.

3587.

APPROVAL, BONDS OF HENRY COUNTY, \$49,000, FOR ROAD
IMPROVEMENTS.

COLUMBUS, OHIO, September 8, 1922.

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

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APPROVAL, CONTRACT OF STATE OF OHIO WITH J. O. BOWERS AND
W. J. GILMORE FOR REDECORATING TOILET ROOM OPPOSITE
OFFICE OF ATTORNEY-GENERAL, STATE HOUSE ANNEX, AT A
COST OF \$86.00.

COLUMBUS, OHIO, September 9, 1922.

*Department of Highways and Public Works, Division of Public Lands and Buildings,
Columbus, Ohio.*

GENTLEMEN:—Your letter of September 7, 1922, has been received enclosing for examination by this office a proposed contract and papers, as noted in your letter,