

Jurisprudence, 364-365, *Klieb, Auditor vs. Mercer Co. Com.*, 4 O. C. C. N. S., 565).

Thus in the exercise of his discretion the county auditor has authority to refuse to issue a warrant if it is unauthorized or if the officer making it acted without authority. (*Kloeb, Auditor vs. Mercer Co. Com.*, 4 O. C. C. N. S. 569). In the case before us, an exercise of the discretion and care imposed by his office would have put the county auditor upon his guard as to the legality of the demand. His failure to exercise such discretion and care is a clear violation of his duty and by no stretch of logic can it be ignored as such.

In view of these facts which present a clear violation of duty on the part of the county commissioners and county auditor and in view of the unauthorized expenditure and loss of public funds resulting, I am of the opinion that a finding against the county commissioners and county auditor can be made in this instance.

Respectfully,

HERBERT S. DUFFY,
Attorney General.

931.

APPROVAL—BONDS OF OAKWOOD CITY SCHOOL DISTRICT,
MONTGOMERY COUNTY, OHIO, \$30,000.00.

COLUMBUS, OHIO, July 29, 1937.

The Industrial Commission of Ohio, Columbus, Ohio.

GENTLEMEN:

RE: Bonds of Oakwood City School Dist., Montgomery
County, Ohio, \$30,000.00.

The above purchase of bonds appears to be part of an issue of bonds of the above school district dated January 1, 1928. The transcript relative to this issue was approved by this office in an opinion rendered to your commission under date of February 18, 1928, being Opinion No. 1729.

It is accordingly my opinion that these bonds constitute a valid and legal obligation of said school district.

Respectfully,

HERBERT S. DUFFY,
Attorney General.