

In the case of a dependent child, however, it does not necessarily follow that the element of parental delinquency or moral unfitness always obtains, since the child may be dependent upon the public for its support, and yet be under the custody of a mother morally fit and proper to direct supervision over the child. In this event the crux of the action or proceeding may be said to be poverty. It is nowhere stated in the juvenile laws that a dependent child must be placed in the custody of strangers in preference, or to the exclusion of the mother or relatives, and it cannot be concluded within reason that a mother who is morally a fit person to supervise the conduct of her child and provides a respectable home for its shelter, may be excluded from the privileges which a stranger might enjoy, by reason of such filial relationship.

It is thought then to be reasonably concluded that the home of a mother of a dependent child may, when free from parental delinquency or evil influences detrimental to the child's welfare, be considered such a suitable home as is contemplated by the provisions of section 1352-3 G. C. Upon such considerations, therefore, you are advised that in the opinion of this department there can be seen no legal objection to the procedure indicated in your communication.

Respectfully,
 JOHN G. PRICE,
Attorney-General.

2901.

GRISWOLD ACT—MATURITIES OF SERIAL BONDS MUST BE ANNUAL MATURITIES DUE ON A DAY FOLLOWING EACH FINAL TAX SETTLEMENT—INTEREST PAYMENTS MAY BE MADE SEMI-ANNUALLY.

Under the Griswold taxation act (H. B. 33), while the maturities of serial bonds issued must be annual maturities due on a day following each final tax settlement, the interest payments upon such serial bonds may be made semi-annually.

COLUMBUS, OHIO, February 25, 1922.

HON. R. H. PATCHIN, *Prosecuting Attorney, Chardon, Ohio.*

DEAR SIR:—Acknowledgment is made of the receipt of your request for the opinion of this department on section 14, section 2295-12 (Griswold act), 109 O. L., p. 344, the question submitted by you reading as follows:

“Does this section provide the making of semi-annual maturities for bonds issued and must all maturities be annual? Can interest be paid semi-annually or must this likewise be paid annually?”

In your letter you further say:

“If it be true that only annual maturities and annual interest can be now provided for, then a large amount of money will be accumulated in

the bond issuing districts and will not be used until the final tax settlement each year, which is in August."

Section 2295-12 G. C. reads:

"All bonds hereafter issued by any county, municipality, including charter municipalities, school district, township or other political subdivision, shall be serial bonds maturing in substantially equal annual installments beginning not earlier than the date fixed by law for the final tax settlement between the county treasurer and the political subdivision or taxing district next following the inclusion of a tax for such issue in the annual budget by the county auditor as provided by law and not later than eleven months thereafter."

Your question is really upon two points: First, whether the maturities themselves are required to be annual and, second, whether the interest, aside from the maturities, might be paid semi-annually. Section 2295-2, supra, in describing these serial bonds, says that they shall mature "in substantially equal annual installments." The section does not say "semi-annual installments," which would permit the serial bonds to mature each six months. The words "annual installments" can have no other meaning than "yearly payments," that is, once each year. It is true that with the funds being paid by the county treasurer to the treasurer of the taxing districts twice each year after each payment of taxes by the public in December and June, there would be a large amount of money held to the credit of certain taxing districts until the time of maturity of the annual bond arrived. That is to say, if the first bond in a serial issue was issued as of October 1st, in a certain year, because that would be an early date following the final tax settlement between the county treasurer and the taxing district, which would include the levy made to cover the payment of the bond in question, then subsequent bonds should be made to mature at the same time annually thereafter. This being true, funds paid by the county treasurer in February to the treasurer of the local taxing district, would be idle in a sense, except that during the period of the following six months it must be presumed that such funds would be drawing interest from a depository at a rate agreed upon. However, this rate is frequently less than the rate of interest appearing on the bonds and thus the taxing district itself (ready to pay one-half of such annual installment) would be paying a higher rate of interest on the same amount of money than it received from its depository. There would thus appear to be a loss to the tax district in holding these funds until the time of maturity of the serial bond. However, the General Assembly has clearly stated in section 2295-12 that these bonds shall mature in "substantially equal annual installments," and it is not within the province of this department to construe this to read "semi-annual" or any period other than annual.

On your inquiry as to whether the interest on these serial bonds may be paid semi-annually, you are advised that a careful examination of the Griswold taxation act (H. B. 33) shows that no mention is made as to when interest payments may be made by the taxing district to the owners of the serial bonds. It is true that if the funds to pay interest were paid to the taxing district by the county treasurer at the February settlement, this money, like a certain portion of the principal, as above described, would simply be held by the treasurer of the taxing district until the time of the maturity of the bond, if the interest was to be paid once each year, that is, at the time of the maturity of the bond, following the final tax settlement in each year. Investigation will show that it has been the custom to make interest pay-

ments on municipal and school bonds semi-annually, it having been found that this arrangement adds materially to their marketable value when offered for sale.

It must therefore be held that inasmuch as there is no inhibition appearing in the law against making the interest payments on serial bonds for a lesser period than one year, while the maturities must be annual following each final tax settlement, the interest payments may be made semi-annually.

Respectfully,
JOHN G. PRICE,
Attorney-General.

2902.

GRISWOLD ACT—BOARD OF EDUCATION MAY ISSUE BONDS WITHOUT VOTE OF ELECTORS FOR REBUILDING OR REPAIRING SCHOOL HOUSE OR CONSTRUCTING NEW SCHOOL HOUSE WHERE OLD SCHOOL HOUSE WAS DESTROYED BY FIRE OR OTHER CASUALTY OR USE OF SAME PROHIBITED BY ORDER OF INDUSTRIAL COMMISSION—SEE SECTION 7630-1 G. C. (109 O. L. 336)—BOARD MAY LEVY TAX SUFFICIENT TO PROVIDE FOR BOND ISSUE—SEE SECTION 5649-4 G. C.

1. *Under the provisions of amended section 7630-1 (109 O. L., p. 336) a board of education may issue bonds without a vote of the people upon the same for the purpose of rebuilding or repairing a school house or constructing a new school house, where the school house formerly used was destroyed by fire or other casualty, or if the use of the same for its intended purpose was prohibited by an order of the Industrial Commission, but before a board of education can avail itself of the provisions of section 7630-1 G. C. it must appear that it is not practicable to secure the necessary funds under sections 7625, 7626, 7627, 7628, 7629 and 7630 G. C.*

2. *Under the provisions of section 5649-4 G. C. a board of education issuing bonds under the provisions of section 7630-1 G. C. may levy a tax sufficient to provide therefor, irrespective of any limitations.*

COLUMBUS, OHIO, February 25, 1922.

HON. H. A. BURGESS, *Prosecuting Attorney, Warren, Ohio.*

DEAR SIR:—Acknowledgment is made of the receipt of your recent letter requesting the opinion of this department upon the following:

“Section 7630-1, as amended by the last session of the legislature, provides as follows:

‘If a school house is wholly or partly destroyed by fire or other casualty, or if the use of any school house or school houses for their intended purpose is prohibited by an order of the Industrial Commission of Ohio or its successor in such authority, and the board of education of the school district is without sufficient funds applicable to the purpose with which to rebuild or repair such school house or to construct a new school house for the proper accommodation of the schools of the district, and it is not practicable to secure such funds under any of the six preceding sections because