

2643.

APPROVAL, REFUNDING BONDS OF BLUECREEK TOWNSHIP RURAL SCHOOL DISTRICT, PAULDING COUNTY, OHIO, IN AMOUNT OF \$8,000.

COLUMBUS, OHIO, November 30, 1921.

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

2644.

APPROVAL, REFUNDING BONDS OF JOHNSON-ST. PARIS VILLAGE SCHOOL DISTRICT, CHAMPAIGN COUNTY, OHIO, IN AMOUNT OF \$9,377.72.

COLUMBUS, OHIO, November 30, 1921.

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

2645.

DISAPPROVAL, REFUNDING BONDS OF SALEM CITY SCHOOL DISTRICT IN AMOUNT OF \$50,000.

COLUMBUS, OHIO, December 1, 1921.

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

Re: Refunding bonds of Salem City School District in the amount of \$50,000.

GENTLEMEN:—The transcript discloses that the indebtedness declared by the bond resolution to exist includes not only teachers' and janitors' salaries due on October 3, 1921, being the date of the passage of such resolution, but also salaries for such officers thereafter to become due in November and December, also items for school supplies and current expenses. It is my opinion that under section 5656 G. C. a board of education is authorized to issue bonds to refund valid obligations or debts such as it is authorized to incur without having funds in its treasury appropriated for the payment thereof as required by section 5660 G. C., but that a board of education is without authority to issue bonds under said section 5656 to secure funds with which to pay obligations contingent upon the future performance of service and not yet due, nor obligations which the board is without authority to incur without compliance with the provisions of said section 5660 G. C.

It follows that on October 3, 1921, the board of education was without authority to issue bonds for salaries not then due nor for the purpose of securing funds to pay for supplies and ordinary current expenses. Doubtless a considerable part of this bond issue is for purposes authorized by section

5656, but inasmuch as a considerable part was for unauthorized purposes, the whole issue is tainted by the illegality of the unauthorized portion.

I am therefore of the opinion that the bonds under consideration are not valid and binding obligations of Salem City School District and advise the commission not to purchase the same.

Respectfully,
JOHN G. PRICE,
Attorney-General.

2646.

APPROVAL, BONDS OF VILLAGE OF HUBBARD, OHIO, IN AMOUNT OF \$3,834 FOR STREET IMPROVEMENTS.

COLUMBUS, OHIO, December 1, 1921.

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

2647.

LIGHTING—TOWNSHIP TRUSTEES UNAUTHORIZED TO PROVIDE FOR LIGHTING OF UNINCORPORATED AREAS OF TOWNSHIP—EXCEPTIONS—SEE SECTIONS 3428 AND 3440-1 G. C.

Except as provided by sections 3428 et seq. and 3440-1 of the General Code, township trustees are unauthorized to provide for the lighting of unincorporated areas of the township, and the expenditure of township funds for such purposes, otherwise than provided by such sections is illegal.

COLUMBUS, OHIO, December 2, 1921.

HON. ALLAN G. AIGLER, *Prosecuting Attorney, Norwalk, Ohio.*

DEAR SIR:—Receipt is acknowledged of your letter of recent date reading as follows:

“The trustees of Wakeman township, Huron county, Ohio, desire to enter into a contract for the lighting of the streets of Wakeman, an unincorporated village in said township, and propose to pay for such lighting out of the general fund of the township. I have advised the trustees that they can exercise only those powers conferred by statute, or such others as are necessarily to be implied from those granted in order to enable them to perform the duties imposed upon them, and as decided in the case of Trustees, etc. vs. Minor, et al., 26 O. S. 452, 456. The statutes seem to give the trustees of a township the power to provide for lighting streets only where a petition has been filed for the creation of a lighting district. Sections 3228 to 3239 inclusive.

I would appreciate your giving an opinion on the right of township trustees to expend the money of the township for lighting streets of an unincorporated village within the township, and without the crea-