

3106.

DISAPPROVAL, BONDS OF PENFIELD TOWNSHIP RURAL SCHOOL DISTRICT, LORAIN COUNTY, \$44,000.00.

COLUMBUS, OHIO, January 28, 1926.

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

Re: Bonds of Penfield Township Rural School District, Lorain County, \$44,000.00.

GENTLEMEN:—The foregoing bonds in the sum of \$44,000.00 are a part of an issue of \$50,000.00, dated April 1, 1925. This issue of bonds in the sum of \$50,000.00 was purchased by your board on April 27, 1925, and thereafter, on May 15, 1925, said bonds were disapproved for the reason that the tax duplicate of 1924 contained only the sum of \$1,219,740.00 as the tax value of the entire school district. In addition to the bonds in the sum of \$50,000.00, there are other bonds outstanding in the sum of \$8,223.87. A tax levy on the basis of the minimum amount that may be levied for sinking fund purposes will not meet the sinking fund requirements for those issues of bonds.

The transcript does not show that any further provision has been made by the electors than that contained in the transcript at the time said bonds were disapproved on May 15, and you are therefore advised that the same reasons for disapproval are now given as will be found in the letter of said date to your board. You are therefore advised to again reject said bonds

Respectfully,
C. C. CRABBE,
Attorney General.

3107.

COLUMBUS, OHIO, January 28, 1926.

DISAPPROVAL, BONDS OF MANCHESTER VILLAGE SCHOOL DISTRICT, ADAMS COUNTY, \$77,400.00.

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

Re: Bonds of Manchester village school district, Adams county, \$77,400.00.

GENTLEMEN:—The foregoing bonds have been issued under the provisions of section 7630-1 G. C. The order of condemnation of the old school building has been signed by the chief of division only. In the case of Industrial Commission et al., vs. Bert Snyder et al., the Supreme Court of Ohio a short time ago held as follows:

“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 his 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, and showing no 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 of a board of education to issue and sell bonds of the district for the erection of a new school building, pursuant to the provisions of section 7630-1, General Code."

It will therefore be observed that the order upon which this issue of bonds is based has not been issued in compliance with the statute and in accordance with the decision of the Supreme Court of Ohio, and you are therefore advised not to accept said bonds.

Respectfully,
C. C. CRABBE,
Attorney General.

3108.

FISH AND GAME LAWS RELATING TO PHEASANTS, DISCUSSED.

SYLLABUS:

The exception in section 1436 of the General Code, as to shooting pheasants is not intended to restrict licensed game propagators to killing said pheasants by shooting only during the open season.

In exercising the right secured by a license to breed and raise pheasants as a commercial enterprise, such licensee must comply with each specific regulation of said section 1436 of the General Code.

COLUMBUS, OHIO, January 29, 1926.

HON. D. O. THOMPSON, *Chief, Department of Agriculture, Division of Fish and Game, Columbus, Ohio.*

DEAR SIR:—I have your request for an opinion of this department construing section 1436 of the General Code, to which request you attach a letter received by you upon the same subject. At about the same time a request was received from the prosecuting attorney of Clark county, Ohio. Both requests are quoted in part herein and this opinion is intended to answer both inquiries.

The request from the prosecuting attorney reads as follows:

"By reason of a number of complaints that have come to this office with reference to the shooting of pheasants by the holders of breeder's license and persons having written permission from such licensees, we are asking your department to determine from section 1436, General Code, the limitations, if any, upon such killing.

Under subdivision B of the section the law reads, 'any licensee or person having written permission may kill, etc., the birds herein enumerated, etc., at any time.'

"Farther down in the section there is this provision: 'No pheasant, etc., shall be killed by shooting, except during the open season for such birds, or except as provided by this section.'

"There is an apparent conflict in the two parts of the section and we