

1654.

APPROVAL, FINAL RESOLUTION, ROAD IMPROVEMENT IN SENECA COUNTY.

COLUMBUS, OHIO, August 1, 1924.

Department of Highways and Public Works, Division of Highways, Columbus, Ohio.

1655.

APPROVAL, BONDS OF JACKSON TOWNSHIP RURAL SCHOOL DISTRICT, DARKE COUNTY, \$5,000.00, TO PURCHASE SITE AND ERECT SCHOOL BUILDING.

COLUMBUS, OHIO, August 1, 1924.

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

1656.

DISAPPROVAL, BONDS OF HOPEWELL TOWNSHIP RURAL SCHOOL DISTRICT, PERRY COUNTY, \$6,000.00.

COLUMBUS, OHIO, August 2, 1924.

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

Re: Bonds of Hopewell Township Rural School District, Perry County, \$6,000.00.

Gentlemen:—

I have examined transcript submitted to this department in connection with the foregoing issue of bonds and find that I cannot approve the purchase of the same for the following reasons:

These bonds are issued under the provisions of section 7630-1 G. C., and dated June 25, 1923. The authority for said bonds to be issued under this section is based on an order of prohibition by the Department of Industrial Relations against the use of the school building for its intended purpose, and the bonds are to be issued for the purpose of repairing said building to conform to this order of prohibition.

The order upon which the legislation for this issue of bonds is based is signed .

by T. P. Kearns, Chief of Division, with no further record of approval by the Department of Industrial Relations, and without any seal of the office, as required by the statute.

In the case of F. E. Schwartz et al. vs. Board of Education of Carlisle Township Rural School District, Lorain County, the Court of Appeals, 9th District of Ohio, held that:

"Section 154-45 G. C. specifically transfers the rights, powers and duties of the Industrial Commission in reference to inspection and orders in relation to school houses to the Department of Industrial Relations, not to the chief of the division of the department, and it seems plain that such rights, powers and duties must be exercised by the Department of Industrial Relations, and that is, the Department of Industrial Relations, and not the chief of one of its divisions as the successor in such authority as mentioned in General Code Section 7630-1. * * * The order attempted to be made purports to be merely the order of the chief of the division, not of the department; no certified copy under the seal of the department is proposed showing any proceeding or additional action of the department in reference thereto."

In this case a similar order as is shown in this transcript was declared improper and insufficient, and for the reason that it did not bear the approval of the Department of Industrial Relations and the seal thereof, proceedings were enjoined. I will, therefore, be compelled to disapprove the purchase of these bonds by your board.

Respectfully,
C. C. CRABBE,
Attorney-General.

1657.

APPROVAL, BONDS OF UPPER ARLINGTON VILLAGE, FRANKLIN COUNTY, \$70,000.00, STREET IMPROVEMENT.

COLUMBUS, OHIO, August 2, 1924.

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

1658.

APPROVAL, BONDS OF DOVER TOWNSHIP RURAL SCHOOL DISTRICT, TUSCARAWAS COUNTY, \$11,500.00, TO EXTEND TIME OF CERTAIN INDEBTEDNESS.

COLUMBUS, OHIO, August 2, 1924.

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