

tail the obligations to be refunded, yet the bond resolution contains the following statement of such indebtedness:

"Section 1. \* \* \* \$7,400.00 to Leige Brothers on a contract, \$600.00 to the American Seating Company on a contract, \$200.00 to the Cleveland Seating Company on a contract, \$2,100.00 to the Bryan Plumbing & Heating Company on a contract, \$3,000.00 to J. B. Manor & Son on a contract, \$200.00 to Fred Culbertson on a contract, \$500.00 to the Wayne Works on a contract, \$650.00 to The Kunkle State Banking Company, teachers' salaries earned and unpaid in the sum of \$2,500.00, indebtedness for fuel in the sum of \$250.00, and outstanding unpaid vouchers in the sum of \$2,600.00."

From such statement it is apparent that the larger part of the indebtedness is for unpaid items for either constructing, repairing or furnishing one or more school buildings. It has been the frequently expressed opinion of this department that bonds may be issued under said section 5656 to secure funds to pay salaries of teachers, janitors and other school employes serving under valid contracts, to pay the cost of transporting pupils, amounts due the teachers' retirement fund and other obligations created by law, but that said section does not authorize the issuance of bonds to pay for constructing, repairing or furnishing school buildings or to take up vouchers issued for school supplies.

This latter conclusion follows of necessity from the provisions of section 5660 G. C., which in specific terms prohibits a board of education from making a contract or agreement involving the expenditure of money for such purposes without having unappropriated money in the treasury sufficient for the payment of such obligations. If the requirements of said last mentioned section were complied with by the board of education there could be no occasion for the issuance of refunding bonds to meet such obligations. On the other hand if the requirements of said section were not complied with by the board of education, then the obligations referred to are not valid and binding obligations of the school district. The mere determination of the board of education that such items are valid and binding obligations is certainly not conclusive and adds nothing to the value of such claim.

I am therefore of the opinion that the bonds under consideration are not valid and binding obligations of said school district and advise the Commission not to purchase the same.

The transcript is in other particulars incomplete, but in view of the character of the indebtedness sought to be refunded, it would be of no avail to return the transcript for further information.

Respectfully,  
JOHN G. PRICE,  
*Attorney-General.*

2787.

APPROVAL, BONDS OF MADISON RURAL SCHOOL DISTRICT IN  
AMOUNT OF \$13,500.

COLUMBUS, OHIO, January 13, 1922.

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