

3082.

APPROVAL, BONDS OF VILLAGE OF OAKWOOD, MONTGOMERY COUNTY, \$27,500.00.

COLUMBUS, OHIO, January 18, 1926.

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

3083.

APPROVAL, BONDS OF VILLAGE OF COLUMBIANA, COLUMBIANA COUNTY, \$16,150.23.

COLUMBUS, OHIO, January 18, 1926.

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

3084.

APPROVAL, BONDS OF MIAMI CONSERVANCY DISTRICT, \$1,000.00

COLUMBUS, OHIO, January 18, 1926.

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

3085.

APPROVAL, CONTRACT BETWEEN STATE OF OHIO AND THE FAIRFIELD ENGINEERING COMPANY, MARION, OHIO, COVERING CONSTRUCTION AND COMPLETION OF COAL AND ASH HANDLING EQUIPMENT FOR THE OHIO HOSPITAL FOR EPILEPTICS, GALLIPOLIS, OHIO, AT AN EXPENDITURE OF \$30,420.00—SURETY BOND EXECUTED BY H. B. WALKER AND H. A. TRUE.

COLUMBUS, OHIO, January 19, 1926.

HON. JOHN E. HARPER, *Director Department of Public Welfare, Columbus, Ohio.*

DEAR SIR:—You have submitted for my approval a contract between the State of Ohio, acting by the Department of Public Welfare, and the Fairfield Engineering Company, of Marion, Ohio. This contract covers the construction and completion of coal and ash handling equipment, for the Ohio Hospital for Epileptics, Gallipolis, Ohio, and calls for an expenditure of \$30,420.00.

You have submitted the certificate of the Director of Finance to the effect that there are unencumbered balances legally appropriated in a sum sufficient to cover the obligations of the contract. There has further been submitted a contract bond upon which H. B. Walker and H. A. True appear as sureties, sufficient to cover the amount of the contract.

You have further submitted evidence indicating that plans were properly prepared and approved and contract duly awarded, as authorized by the Board of Control. Also it appears that the laws relating to the workmen's compensation have been complied with.

Finding said contract and bond in proper legal form, I have this day noted my approval thereon and return the same herewith to you, together with all other data submitted in this connection.

Respectfully,
C. C. CRABBE,
Attorney General.

3086.

DISAPPROVAL, BONDS OF BEDFORD VILLAGE SCHOOL DISTRICT,
CUYAHOGA COUNTY, \$34,800.00.

COLUMBUS, OHIO, January 19, 1926.

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

Re: Bonds of Bedford village school district, Cuyahoga county, \$34,800.00.

GENTLEMEN:—I have examined the transcript submitted for the foregoing issue of bonds and find that the proceedings for said issue were begun and the bond resolution passed on August 7, 1925. This bond resolution provides that the bonds shall be dated May 1, 1925.

These proceedings have been passed subsequent to the taking effect of section 5654-1 of the General Code as passed by the 86th General Assembly, House Bill No. 316, and the provisions of this section have been complied with as to the issuance of the notes and bonds as provided therein, yet the bonds are to bear a date prior to the taking effect of said law which would necessarily be contrary to the intention thereof at least.

In the Opinions of the Attorney General, 1921, Volume I, page 168, we find the following:

“Upon examination of the transcript for the above bond issue I find that the resolution authorizing the issuance of the bonds was adopted November 10, 1920, and that it is provided in said bond resolution that the bonds shall be dated October 1, 1920. I find no provision in the General Code which authorizes a board of education to issue bonds bearing date prior to the date of the passage of the legislation authorizing their issuance. In fact, the General Code contains no provision relative to the dating of bonds issued under authority of section 5656. It cannot, however, be assumed that the mere absence of any provision will authorize the board of education to issue bonds which shall bear date prior to their authorizing act. If they are authorized to issue bonds bearing date six weeks prior to the bond resolution, by the same reasoning they could issue bonds bearing date a year or more prior to the bond resolution. This practice should not to say the least be approved, and I therefore advise you not to accept the bonds.”

For the two foregoing reasons I cannot approve this issue of bonds bearing the date of May 1, 1925.