

"Being 277 acres of land situated in Franklin township, Ross county, Ohio, in survey Nos. 9868, 13441 and 13951 of the Virginia Military District, more fully described in said abstract and in the deed enclosed herewith.

It is the opinion of this department that said abstract discloses the title to said premises to be in the name of P. T. C. Brown, free from encumbrances excepting the taxes for the year 1922, which are a lien.

The deed has also been submitted and it is believed that the same is sufficient to convey the interests of the said owner to the state when properly delivered. However, you are advised that the deed excepts from the warranty clause a certain lease on part of said lands given to A. H. Estep to run to March 1, 1923. Under the terms of the deed the state will be entitled to receive the crop rents which the grantor was to receive by the terms of the lease. It is further noted that the consideration named in said deed is \$1.00, which will require you to give it the same attention as was heretofore pointed out in my opinion to you relative to the title to the premises owned by George W. Lepley.

Your attention is directed to the fact that there are \$3.00 in uncanceled revenue stamps attached to the deed. Inasmuch as no such stamps are required on a conveyance to the state, it is suggested that the same be returned to Mr. Brown.

You have submitted encumbrance estimates 3330 and 3334, which contain certificates of the Director of Finance to the effect that there are unencumbered balances legally appropriated in the aggregate sum of \$2,742.30 to cover the purchase price of said premises.

The deed, encumbrance estimates and abstract are being returned herewith.

Respectfully,

JOHN G. PRICE,
Attorney-General.

3469.

APPROVAL, CONTRACT OF STATE OF OHIO WITH THE DANIS-HUNT CONSTRUCTION COMPANY, DAYTON, OHIO, FOR CONSTRUCTION OF COMMUNITY HALL, DAYTON STATE HOSPITAL, AT A COST OF \$55,161.00—SURETY BOND EXECUTED BY ROYAL INDEMNITY COMPANY.

COLUMBUS, OHIO, August 4, 1922.

HON. LEON C. HERRICK, *Director Department of Highways and Public Works, Columbus, Ohio.*

DEAR SIR:—You have submitted to me for approval a contract (five copies) between the State of Ohio, acting by the Department of Highways and Public Works, and the Danis-Hunt Construction Company, a corporation, of Dayton, Ohio. This contract is for the construction and completion of all work embraced under the General Contract and Alternate No. 2, as described in the Specifications, for a Community Hall, at the Dayton State Hospital, Dayton, Ohio, and calls for an expenditure of fifty-five thousand, one hundred and sixty-one dollars (\$55,161.00).

Accompanying said contract is a bond to insure faithful performance, executed by Royal Indemnity Co.

I have before me the certificate of the Director of Finance that there is an unencumbered balance legally appropriated sufficient to cover the obligations of this contract.

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

Respectfully,
 JOHN G. PRICE,
Attorney-General.

3470.

DISAPPROVAL, BONDS OF JERSEY SPECIAL RURAL SCHOOL DISTRICT,
 \$4,500.

COLUMBUS, OHIO, August 7, 1922.

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

Re: Bonds of Jersey Special Rural School District, \$4,500.

GENTLEMEN:—The resolution authorizing the issuance of the above bonds, copy of which is set forth in the transcript submitted, recites that said bonds are issued under authority of section 7630-1 G. C. pursuant to an order of the Industrial Commission prohibiting the use of a school building.

Section 7630-1, referred to above, provides as follows:

“If a school house is wholly or partly destroyed by fire or other casualty, or if the use of any school house or school houses for their intended purpose is prohibited by an order of the Industrial Commission of Ohio or its successor in such authority, and the board of education of the school district is without sufficient funds applicable to the purpose, with which to rebuild or repair such school house or to construct a new school house for the proper accommodation of the schools of the district, and it is not practicable to secure such funds under any of the six preceding sections because of the limits of taxation applicable to such school district, such board of education may issue bonds for the amount required for such purpose. For the payment of the principal and interest on such bonds and on bonds heretofore issued for the purpose herein mentioned and to provide a sinking fund for their final redemption at maturity, such board of education shall annually levy a tax as provided by law.”

The authority of the board of education of Jersey Special Rural School District to issue bonds under the above quoted section, which carries with it the unusual power of levying taxes for the payment of such bonds and interest outside of all tax limitations, must of necessity depend upon the issuance by the Industrial Commission of an order broad enough in its terms to create the situation defined in said section. A copy of the order of the Industrial Commission relied upon by the board of education, being school order No. 872, is embodied in the bond resolution and is as follows:

“School Order No. 872.

(1) Provide a heating system which will uniformly heat all corridors and hallways to a temperature of 65 degrees in zero weather and will uniformly heat all other parts of the building to 70 degrees in zero weather. The heating system shall be combined with a system of ventilation which will change