

4982.

DISAPPROVAL, BONDS OF MASSILLON CITY SCHOOL DISTRICT, STARK COUNTY, OHIO, \$74,500.00.

COLUMBUS, OHIO, December 9, 1935.

Industrial Commission of Ohio, Columbus, Ohio.

GENTLEMEN:—

RE: Bonds of Massillon City School Dist., Stark County, Ohio, \$74,500.00.

You have submitted to me a transcript of the proceedings relating to the bond issue of the Massillon City School District for the construction of a library building for the board of trustees of the public library of said city school district. These bonds were authorized in pursuance of the provisions of House Bill No. 544 of the 91st General Assembly and Section 4005-5, General Code, for the purpose of enabling said library board to participate in federal aid. Section 4005-5 authorizes public library boards to take advantage of the provisions of House Bill 544 and provides in substance that where bonds are to be issued for public library improvements subject to the control and management of such boards and are to be purchased by the United States or any instrumentality thereof, the public library board may request the taxing authority of the political subdivision to the jurisdiction of which such board is subject, to issue bonds without a vote of the people or to submit to the electors the question of issuing bonds under the provisions of House Bill No. 544. In other words, this statute authorizes public library boards to take advantage of the provisions of House Bill 544 when such bonds are to be purchased by the United States or any instrumentality thereof. Since the Industrial Commission is not an instrumentality of the United States, I am of the view that these bonds cannot be purchased from the board of education of the above school district.

It is therefore my advice that you do not purchase them.

Respectfully,

JOHN W. BRICKER,
Attorney General.