

Other proceedings were had, and the proposal was officially adopted by the convention in the form in which it now appears in the Constitution. An examination of the proceedings of the convention found on pages 1811, 1812 and 1813, Vol. II, Debates of the Convention, clearly shows, that it was the intention of the framers of this section of the Constitution to make the Superintendent of Public Instruction the head of the public school system of the State. A further expression of Mr. Fess in this connection, found on page 1813, is significant :

“The only thing I wanted to do was to give the present head of the school department more power than simply to be a statistician. Our school head has done a great amount of work with very little authority. We want to give him authority commensurate with the office. I am sure you would be in favor of this if you knew what it is.”

Within a very few minutes after the foregoing remarks were made by Mr. Fess, a vote was taken and the proposal was passed by a vote of eighty-four yeas, and seventeen nays.

From the foregoing, it seems clear that by the terms of the Constitution, as expressed in Section 4 of Article VI, the Superintendent of Public Instruction is a public officer and the head of the public school system of the State, with duties fixed by law, similar to those provided by law for the Commissioner of Common Schools in 1912, and such other duties as since may have been or will be provided by law, and any act of the Legislature placing some other officer at the head of that department and placing the Superintendent of Public Instruction under the head of the public school system, with duties not fixed by law but by the head of the department, would be in contravention of the said section of the Constitution.

I am therefore of the opinion that House Bill No. 357 if enacted, will be unconstitutional.

Respectfully,
GILBERT BETTMAN,
Attorney General.

207.

APPROVAL, BONDS OF EAST CARLISLE RURAL SCHOOL DISTRICT,
LORAIN COUNTY—\$61,000.00.

COLUMBUS, OHIO, March 18, 1929.

Industrial Commission of Ohio, Columbus, Ohio.

208.

APPROVAL, BONDS OF VILLAGE OF OLMSTEAD FALLS, CUYAHOGA
COUNTY—\$39,700.00.

COLUMBUS, OHIO, March 18, 1929.

Industrial Commission of Ohio, Columbus, Ohio.