

3033.

APPROVAL, BONDS OF McCOMB CENTRALIZED SCHOOL DISTRICT,
HANCOCK COUNTY, OHIO—\$15,000.00.

COLUMBUS, OHIO, March 10, 1931.

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

3034.

TOWNSHIP CEMETERY—PURCHASE OF LAND THEREFOR—BOARD
OF TOWNSHIP TRUSTEES UNAUTHORIZED TO MAKE PUR-
CHASE FROM ONE OF ITS MEMBERS.

SYLLABUS:

A board of township trustees may not purchase land for a township cemetery from a member of such board.

COLUMBUS, OHIO, March 10, 1931.

HON. HOWARD GOLDSBERRY, *Prosecuting Attorney, Chillicothe, Ohio.*

DEAR SIR:—Acknowledgment is made of your recent request for my opinion which reads as follows:

“The Trustees of Jefferson Township, Ross County, Ohio, control a cemetery and are in need of additional lands. It appears that the cemetery boundary on one side borders on a county road and that one of the Trustees owns the land surrounding the cemetery on the three remaining sides. This Trustee is willing to sell, but the question is whether or not an acre or two may be purchased from this Trustee for cemetery purposes under these conditions in any manner other than appropriation proceedings.”

For the purpose of this opinion, I assume that the cemetery referred to is a township cemetery.

Section 12910, General Code, reads as follows:

“Whoever, holding an office of trust or profit by election or appointment, or as agent, servant or employe of such officer or of a board of such officers, is interested in a contract for the purchase of property, supplies or fire insurance for the use of the county, township, city, village, board of education or of a public institution with which he is connected, shall be imprisoned in the penitentiary not less than one year nor more than ten years.”

There is no doubt that this section prohibits a township trustee from being interested in a contract for the purchase of property for the use of the township; and, accordingly, the purchase of land for a township cemetery by a board of township trustees from one of its members, will subject such township trustee from whom the land is purchased to the penalty provided in said section.

For pertinent sections relating to the appropriation of land for a township