

3223.

APPROVAL, BONDS OF VILLAGE OF WADSWORTH, MEDINA COUNTY,
\$13,500.00.

COLUMBUS, OHIO, March 25, 1926.

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

3224.

APPROVAL, BONDS OF TORONTO VILLAGE SCHOOL DISTRICT,
JEFFERSON COUNTY, \$5,000.00.

COLUMBUS, OHIO, March 25, 1926.

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

3225.

DISAPPROVAL, BONDS OF NEWPORT FIRST RURAL SCHOOL DIS-
TRICT, WASHINGTON COUNTY, \$58,000.00.

COLUMBUS, OHIO, March 25, 1926.

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

Re: Bonds of Newport First Rural School District, Washington County, \$58,000.00.

GENTLEMEN:—An examination of the transcript for this issue of bonds discloses that said bonds are issued under the provisions of section 7630-1 G. C. and upon an order of prohibition of the use of the old school building, which was properly approved by the director of the Department of Industrial Relations.

The resolution of the board of education providing for the submission of the question of a bond issue to the electors recites that it is necessary to purchase a site and erect a fire proof grade school building and dormitory and that the sum of \$58,000.00 is necessary to provide funds for said purposes.

Section 7630-1 G. C. provides in part as follows:

“If the use of any school house for its intended purpose is prohibited by any order of the department of Industrial Relations and the board of education of a 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. * * *”

It will therefore be observed that this section makes no provision for the purchase of a site for the erection of a school building.

In the case of Allard vs. Board of Education, 101 O. S., 469, bonds were there submitted to vote under section 7625 G. C. to build a high school building, \$35,000.00, purchase of site, \$750.00, and purchase of motor trucks and school wagon, \$4,000.00.

The latter purpose was held to be unauthorized, and the court in enjoining the issue held it to be void because of the notice of the election and manner in which the bonds were issued. At page 471 the court says:

"In this instance but one proposition was submitted and it included with purposes for which the issuance of bonds is authorized a purpose for which there is no legal authority for the issuance of bonds, and with no opportunity afforded the electors to vote separately on the question of issuing bonds for the various purposes stated. While that would be unnecessary if all were expressly authorized by law, the fact that all were here included in one proposition, and the electors of the district were therefore required to and did vote for or against the proposal as an entirety, makes it impossible to ascertain whether the issuance of bonds for the purposes stated other than that for purchasing motor trucks and wagons has the approval of a majority of the electors of the district."

In view of the decision of the court in the foregoing case in which the total issue was held invalid for the reason that part of the issue was unauthorized, I am compelled to follow the same rule in this case and hold that the entire issue is invalid for the reason that part of the issue is unauthorized.

You are therefore advised that this issue will not constitute the legal and valid obligations of The Newport First Rural School District, and you are therefore advised not to accept said bonds.

Respectfully,
C. C. CRABBE,
Attorney General.

3226.

APPROVAL, DEED CONVEYING TO THE STATE FOR ARMORY PURPOSES 1.67 ACRES OF LAND, IN ROSS COUNTY, CHILLICOTHE, OHIO.

COLUMBUS,, OHIO, March 27, 1926.

HON. FRANK D. HENDERSON, *Adjutant General, Columbus, Ohio.*

DEAR SIR:—You have submitted a deed executed by the officers of Chillicothe conveying to the State for armory purposes 1.67 acres of land, more or less, situated in the county of Ross and the state of Ohio, and in the city of Chillicothe.

It is disclosed that the territory described is a part of the city park of said city and a certificate submitted by B. H. Walker, abstractor and civil engineer, discloses that said premises are a part of tracts of land conveyed to said city by John Madeira and William Clarke, executors, on March 20, 1873, that the premises are covered by an abstract heretofore accepted by the state in connection with the conveyance of an