

865.

BONDS—TOLEDO CITY SCHOOL DISTRICT, LUCAS COUNTY,
\$19,000.00.

COLUMBUS, OHIO, July 7, 1939.

Industrial Commission of Ohio, Columbus, Ohio.

GENTLEMEN :

Re: Bonds of Toledo City School District, Lucas County,
Ohio, \$19,000.

The above purchase of bonds appears to be part of a \$100,000 issue of refunding bonds of the above city school district dated April 1, 1939. The transcript relative to this issue was approved by this office in an opinion rendered to your commission under date of April 15, 1939, being Opinion No. 417.

It is accordingly my opinion that these bonds constitute valid and legal obligations of said school district.

Respectfully,

THOMAS J. HERBERT,
Attorney General.

866.

BONDS—NEW LEXINGTON EXEMPTED VILLAGE SCHOOL
DISTRICT, PERRY COUNTY, \$2,300.00.

COLUMBUS, OHIO, July 8, 1939.

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

GENTLEMEN :

RE: Bonds of New Lexington Exempted Village School
District, Perry County, Ohio, \$2,300.00.

I have examined the transcript of proceedings relative to the above bonds purchased by you. These bonds comprise all of an issue of building improvement bonds in the aggregate amount of \$2,300.00, dated July 10, 1939, and bearing interest at the rate of 3½% per annum.

From this examination, in the light of the law under authority of which the above bonds have been authorized, I am of the opinion that

bonds issued under these proceedings constitute valid and legal obligations of said school district.

Respectfully,

THOMAS J. HERBERT,
Attorney General.

867.

OHIO PENITENTIARY—GUARDS—PAID IN ACCORDANCE
WITH SCHEDULE, SECTION 2181, G. C.—GENERAL AP-
PROPRIATION ACT—STATUTORY CONSTRUCTION.

SYLLABUS:

Guards at the Ohio Penitentiary should be paid in accordance with the schedule set up in Section 2181, of the General Code of Ohio.

COLUMBUS, OHIO, July 8, 1939.

HONORABLE H. D. DEFENBACHER, *Acting Director of Finance, Columbus, Ohio.*

DEAR MR. DEFENBACHER: This will acknowledge receipt of your request for my opinion concerning the compensation to be paid guards at the Ohio Penitentiary, in view of the apparent conflict between the provisions of Section 2181, General Code, and the provisions of the current General Appropriation Act (House Bill 674 of the 93rd General Assembly) which limits the compensation to be paid guards at penal institutions.

Section 2181, General Code, as enacted by the 92nd General Assembly (117 O. L., 850), reads as follows:

“Effective March 1, 1938, the salary of Class A Guards, employed at the Ohio Penitentiary, shall be increased to \$170.00 per month; the salary of Class B Guards at the Ohio Penitentiary shall be increased to \$160.00 per month; the salary of Class C Guards shall be increased to \$150.00 per month.”

In House Bill 674 of the 93rd General Assembly, the General Appropriation Act in which general appropriations were made for the biennium of 1939-1940, appropriated in Section 3 thereof to “Department of Public Welfare—Administration—Personal Service—A-1—Salaries for 1939—\$3,760,628.85—for 1940—\$3,760,628.85.” In Section 10 of said act the following appears:

“So much of the appropriation made for personal service as pertains to the compensation of employes in the following groups