

First, it is obvious that a plan such as you outline might be devised for the specific purpose of avoiding the provisions of this act, both as to the issuance of stock in payment for patents, services or good will, or for property not located in this state. In such case there can be no doubt but that the plan renders the issuer subject to the terms of the act, and requires him to qualify as a dealer.

The second possibility is that the plan adopted may not be intended for the purpose of evading the provisions of the act, and the amount of property outside of Ohio which is represented by B's capital stock may be comparatively slight. The language of the act seems to indicate an intention to deny this exemption to any issuer if *any* part of the issue is disposed of *indirectly* for purchase of property not located in this state. Therefore, however little the property may be represented by the stock of B, we must conclude that the act intends to deny to the issuing corporation the exemption provided for by this paragraph.

You are therefore advised that under the conditions stated in your letter, the company may not be properly exempted from the operation of the Securities Law.

Respectfully,

C. C. CRABBE,

*Attorney General.*

3034.

APPROVAL, BONDS OF VILLAGE OF WORTHINGTON, FRANKLIN COUNTY, \$13,596.37.

COLUMBUS, OHIO, December 24, 1925.

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

3035.

DISAPPROVAL BONDS OF VILLAGE OF PERRY, LAKE COUNTY, \$8,400.00

COLUMBUS, OHIO, December 23, 1925.

Re: Bonds of Village of Perry, Lake County, \$8,400.00.

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

GENTLEMEN:—An examination of the transcript for the foregoing issue of bonds discloses that these bonds are issued in anticipation of the collection of assessments for sidewalks.

Proceedings have been had in accordance with the delinquent proceedings for construction of sidewalks under the provisions of section 3853 et seq. G. C. Section 2 of the assessing ordinance provides in part as follows:

"That the total assessments against each lot or parcel of land shall be payable in cash within thirty days from and after the passage of the ordinance, or at the option of the owner in ten annual installments with interest at the rate of six per cent per annum at the same rate as shall be borne by the bonds to be issued in anticipation of the collection of same."

Section 3860 of the General Code provides:

"When sidewalks, curbing or gutters are constructed or repaired in accordance with the preceding three sections, the assessment for the cost thereof may be made payable in full not less than thirty nor more than sixty days from the levy thereof or in not exceeding five annual installments, as council determines. In anticipation of the collection of such assessments, bonds of the municipal corporation may be issued bearing interest not exceeding six per cent per annum and the proceeds thereof used in the payment of the cost incurred by reason of such construction or repair."

It is therefore observed that the assessments for these sidewalks have not been levied in accordance with the provisions of the foregoing section.

The bond ordinance provides that the bonds shall mature semi-annually beginning on April 1, 1926, and terminating on October 1, 1935.

Section 2295-12 G. C. as amended in 111 O. L., page 88, provides as follows:

"All bonds hereafter issued by any county, municipality, including charter municipalities, school district, township or other political subdivision, shall be serial bonds maturing in substantially equal semi-annual or annual installments. If issued with semi-annual maturities the first installment shall mature not earlier than the first day of March next following the fifteenth day of July next following the passage of the ordinance or resolution authorizing such bonds; and if issued with annual maturities, the first installment shall mature not earlier than the first day of the second September next following said fifteenth day of July. In either case the first installment shall mature not later than eleven months after said earliest date thereof."

The maturities are therefore not in accordance with the provisions of this act.

For the foregoing reasons I am compelled to disapprove the issue, and you are advised not to accept said bonds.

Respectfully,

C. C. CRABBE,

*Attorney General.*

3036.

APPROVAL, BONDS OF VILLAGE OF ROCKY RIVER, CUYAHOGA COUNTY,  
\$19,000.00.

COLUMBUS, OHIO, December 23, 1925.

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

3037.

APPROVAL, BONDS OF MILL TOWNSHIP SCHOOL DISTRICT, TUSCARAWAS  
COUNTY, \$5,000.00.

COLUMBUS, OHIO, December 23, 1925.

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