

The above purchase of bonds appears to be part of an issue of bonds of the above city dated December 1, 1917. The transcript relative to this issue was approved by this office in an opinion rendered to the Teachers Retirement System under date of April 15, 1938, being Opinion No. 2319.

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

Respectfully,

HERBERT S. DUFFY,
Attorney General.

2670.

APPROVAL--CONTRACT, STATE OF OHIO, THROUGH DIRECTOR OF HIGHWAYS, WITH BOARD OF COUNTY COMMISSIONERS, CUYAHOGA COUNTY, OHIO, CONSTRUCTION AND IMPROVEMENT, STATE HIGHWAYS NUMBERS 17 AND 460, DESIGNATED LOCATION, CUYAHOGA COUNTY, OHIO.

COLUMBUS, OHIO, July 6, 1938.

HON. JOHN JASTER, JR., *Director of Highways, Columbus, Ohio.*

DEAR SIR: You have submitted for my approval as to legality and form, an executed contract in duplicate by and between the Board of County Commissioners of Cuyahoga County, and the State of Ohio, acting by and through John Jaster, Jr., as Director of Highways, providing for the co-operation in the construction and improvement of state highways Nos. 17 and 460 at locations designated in said contract in Cuyahoga County, Ohio.

Attached thereto is the certificate of the acting auditor of the Department of Highways and the Director of Finance, setting aside the State's share of the money to be paid and certifying sufficient funds for said project.

There is also attached the certificate of the auditor of Cuyahoga County certifying that the money required for the payment of the cost of the improvement assumed by Cuyahoga County is in the treasury to the credit of or now on the duplicate in process of collection for the state and county road improvement fund and not appropriated for any other purpose, or as being obtained by sale of bonds, which bonds are sold and in the process of delivery.

After carefully examining said executed contract, it is my opinion that the same is correct as to legality and form and is a binding contract for the purposes for which the same was executed between the county of Cuyahoga and the State of Ohio.

I have, therefore, endorsed my approval on said contract in duplicate and am this day returning the same herewith.

Respectfully,

HERBERT S. DUFFY,
Attorney General.

2671.

DOG POUND—MONEY FOR CONSTRUCTION SHOULD BE
TAKEN FROM GENERAL FUND NOT DOG AND KENNEL
FUND.

SYLLABUS:

Money for the construction of a dog pound by county commissioners should be taken from the general fund and not from the dog and kennel fund.

COLUMBUS, OHIO, July 7, 1938.

HON HUGO ALEXANDER, *Prosecuting Attorney, Steubenville, Ohio.*

DEAR SIR: This will acknowledge the receipt of your recent communication. Your request for an opinion reads as follows:

"The County Commissioners of our County are desirous of building a dog pound. The question arises from which fund money necessary for the building of the same should be taken. Should this money be taken for the building of said pound from the dog and kennel fund or from the general fund."

Those provisions relating to the responsibility of licensing and impounding dogs may be found in Sections 5652 to 5653, General Code, inclusive. Section 5652-8, General Code, relative to the duties of commissioners, specifically provides:

"County commissioners shall provide nets and other suitable devices for the taking of dogs in a humane manner, and except as hereinafter provided, also provide a suitable place for im-