

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

Respectfully,

HERBERT S. DUFFY,  
*Attorney General.*

2240.

APPROVAL— BONDS, CITY OF CLEVELAND, CUYAHOGA COUNTY, OHIO, \$10,000.00, PART OF ISSUE DATED JUNE 1, 1920.

COLUMBUS, OHIO, April 6, 1938.

*Retirement Board, State Teachers Retirement System, Columbus, Ohio.*  
GENTLEMEN :

RE: Bonds of City of Cleveland, Cuyahoga County,  
\$10,000.00.

The above purchase of bonds appears to be part of an issue of bonds of the above city dated June 1, 1920. The transcript relative to this issue was approved by this office in an opinion rendered to your board under date of September 11, 1934, being Opinion No. 3189.

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

Respectfully,

HERBERT S. DUFFY,  
*Attorney General.*

2241.

APPROVAL — BONDS, CITY OF CLEVELAND, CUYAHOGA COUNTY, OHIO, \$10,000.00, PART OF ISSUE DATED MARCH 1, 1923.

COLUMBUS, OHIO, April 6, 1938.

*Retirement Board, State Teachers Retirement System, Columbus, Ohio.*  
GENTLEMEN :

RE: Bonds of City of Cleveland, Cuyahoga County,  
Ohio, \$10,000.00.

The above purchase of bonds appears to be part of an issue of bonds of the above city dated March 1, 1923. The transcript relative to this issue was approved by this office in an opinion rendered to your board under date of October 2, 1937, being Opinion No. 1264.

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

Respectfully,

HERBERT S. DUFFY,  
*Attorney General.*

2242.

COUNTY DITCHES—NOT PUBLIC PROPERTY UNDER PROVISIONS OF SECTION 3493 G. C.—COUNTY HAS PROPRIETARY INTEREST WHEN IT CONTRIBUTED TO CONSTRUCTION—WHEN DITCH SUPERVISOR IS AGENT OF BENEFITED LAND OWNERS—CONTRACTS NOT “PUBLIC”—STATUS WHEN RELIEF WORKERS MAY BE EMPLOYED—WHERE COST LESS THAN \$50.00—WHERE DITCH CONSTRUCTED AT PRIVATE EXPENSE.

*SYLLABUS:*

1. *County ditches constructed entirely at the expense of the benefited land-owners are not “public property” within the meaning of Section 3493, General Code.*

2. *Where the county or political subdivision therein has contributed to the cost of constructing a county ditch, the county or political subdivision has a proprietary interest in the ditch and this interest is sufficient to constitute such ditches “public property” within the meaning of Section 3493.*

3. *Where the expense of cleaning and repairing the county ditch is apportioned to the benefited land-owners and contracts are let by the ditch supervisor for the performance of such work, such contracts are not “public contracts” as that term is used in Section 3493 since the ditch supervisor merely acts as the agent for the said benefited land-owners and not as agent for the county.*

4. *The contract which a ditch supervisor lets for cleaning and repairing the part of a county ditch which has been apportioned to a*