

to the Teachers Retirement System under date of June 2, 1937, being Opinion No. 679.

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

Respectfully,

HERBERT S. DUFFY,

*Attorney General.*

3033.

DISAPPROVAL, BONDS OF HOWARD RURAL SCHOOL DISTRICT, KNOX COUNTY, OHIO, \$46,750.00.

COLUMBUS, OHIO, September 28, 1938.

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

GENTLEMEN :

RE: Bonds of Howard Rural School District,  
Knox County, Ohio, \$46,750.00.

I have examined the transcript relative to the above bond issue that you have submitted to this office for my approval and wish to advise you that I will be unable to approve the same for the following reasons:

It is apparent that the \$46,750 bond issue is to be used for the building of a new fireproof school building and likewise equipping the same. This is borne out by the breakdown contained in the certificate of the clerk showing the estimated life of the improvements. However, in the notice of the election, the ballot and the bond resolution, only one purpose is stated, that is, the building of a fireproof school building in Howard Rural School District.

The transcript is likewise insufficient in that the journal entry of the Tax Commission consenting to the holding of a special election is lacking and likewise the tentative approval of the federal authorities which must have been received prior to the date of the special election.

Another omission is the fact that these bonds were not offered to the officer in charge of the bond retirement fund in accordance with Section 2293-27, General Code. It should be remembered that although there is no sinking fund in existence, the clerk-treasurer is the proper officer in charge of the bond retirement fund. See Section 2295-14, General Code.

The main reason for my disapproving this transcript is that the

bond resolution passed August 12, 1938, provided for the following maturities: One bond in the amount of \$750.00 to fall due April 1, 1940; one bond in the amount of \$1000.00 October 1, 1940; one bond in the amount of \$1000.00 in each April and October thereafter except October 1, 1960, at which time \$2000.00 then matures. Your system apparently purchased these bonds at a public sale held September 14, 1938, in open competition with other purchasers. The notice of the bond sale set the maturities quite different than those specified in the bond resolution in that the maturities were specified as follows: \$1000.00 each April and October of the years 1940 to and inclusive October, 1959; then April 1, 1960, \$1000.00 matured and October 1, 1960, two bonds in the amounts of \$1000.00 and \$750.00, respectively, matured. Under the provisions of Section 2293-28, General Code, it is mandatory that the maturities be set forth and in the instant case the maturities in the bond advertisement were not the same as those authorized. I therefore advise your system against the purchase of these bonds.

Respectfully,

HERBERT S. DUFFY,

*Attorney General.*

3034.

APPROVAL—LEASE, CANAL LAND, DEPARTMENT OF PUBLIC WORKS WITH CITY OF ST. MARYS, OHIO, MIAMI AND ERIE CANAL, LOCATED CITY OF ST. MARYS, AUGLAIZE COUNTY, OHIO, TERM OF FIFTEEN YEARS, ANNUAL RENTAL \$225.00, TO OCCUPY AND USE FOR WAREHOUSE AND STORAGE PURPOSES.

COLUMBUS, OHIO, September 28, 1938.

HON. CARL G. WAILL, *Director, Department of Public Works, Columbus, Ohio.*

DEAR SIR: You recently submitted for my examination and approval a canal land lease in triplicate executed by you as Superintendent of Public Works and as Director of said department to the City of St. Marys, Ohio.

By this lease, which is one for a stated term of fifteen years and which provides for an annual rental of \$225.00, there is leased and demised to the lessee above named the right to occupy and use for warehouse and storage purposes that portion of the abandoned Miami