

Court House—or some other door. A door would be found and used. They reasoned very properly that “What is sauce for the goose is sauce for the gander.”

They did not object to paying their money for purposes of government but they wanted it expended for the purposes of government under the law and not for “moral purposes” that had no support in law—and they were right.

As civilization progresses it seems to turn from the substantial to the aesthetic and Section 29 of Article II is a barrier to aesthetic indulgence.

Your next concern is relative to the scope of your finding in cases where claims based purely on moral obligations are allowed and paid, otherwise than provided in Section 29, Article II of the Constitution. In my opinion your finding should be made against each member of the governing body that participated in the allowance of such claim, as well as the recipient or recipients thereof.

Your next question would naturally be, how can collection be enforced?

Having reached the conclusion and specifically held that the General Assembly must allow all claims based only on a moral consideration or moral obligation, as you please, then I am of the further opinion that the State of Ohio has such an interest in the transaction that an action could be maintained on behalf of the State, against those found to be responsible, for the use of the subdivision involved.

I have carefully examined the cases referred to in your communication but found them of little or no assistance, as none of them dealt with the constitutional phase of moral obligation upon which this opinion is based.

Respectfully,

HERBERT S. DUFFY,  
*Attorney General.*

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3518.

APPROVAL, BONDS, VILLAGE OF JEFFERSONVILLE, FAYETTE COUNTY, OHIO, \$20,000.00, DATED JULY 1, 1938.

COLUMBUS, OHIO, January 6, 1939.

*Public Employes Retirement Board, Columbus, Ohio.*

GENTLEMEN :

RE: Bonds of Village of Jeffersonville, Fayette  
County, Ohio, \$20,000.00.

I have examined the transcript of proceedings relative to the above bonds purchased by you. These bonds comprise all of an issue of waterworks bonds dated July 1, 1938, bearing interest at the rate of 5% per annum.

From this examination, in the light of the law under authority of which these bonds have been authorized, I am of the opinion that bonds issued under these proceedings constitute valid and legal obligations of said village.

Respectfully,

HERBERT S. DUFFY,

*Attorney General.*

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3519.

APPROVAL, BONDS, VILLAGE OF TIPP CITY, MIAMI COUNTY, OHIO, \$43,000.00, DATED OCTOBER 1, 1938.

COLUMBUS, OHIO, January 6, 1939.

*The Industrial Commission of Ohio, Columbus, Ohio.*

GENTLEMEN:

RE: Bonds of Village of Tipp City, Miami County,  
Ohio, \$43,000.00.

I have examined the transcript of proceedings relative to the above bonds purchased by you. These bonds comprise part of an issue of sanitary sewer system bonds in the aggregate amount of \$90,000.00, dated October 1, 1938, bearing interest at the rate of 3% per annum.

From this examination, in the light of the law under authority of which these bonds have been authorized, I am of the opinion that bonds issued under these proceedings constitute valid and legal obligations of said village.

Respectfully,

HERBERT S. DUFFY,

*Attorney General.*