

Public Welfare to the jurisdiction of that court for proper disposition. The provisions of section 1944, authorizing the transfer from other state hospitals to the Lima State Hospital of patients exhibiting dangerous or homicidal tendencies, would not be applicable to the case of the person referred to in your inquiry, since that person was not committed to the Institution for the Feeble-Minded at Columbus, Ohio, in the manner provided for by law.

It is therefore my opinion that a court of common pleas cannot commit a feeble-minded person found guilty of a felony in that court to an institution for the feeble-minded.

Respectfully,
GILBERT BETTMAN,
Attorney General.

4620.

APPROVAL, CONTRACT BETWEEN THE STATE OF OHIO AND W. L. PARKINSON OF MANSFIELD, OHIO, FOR THE CONSTRUCTION AND COMPLETION OF SERVICE LINES AND NECESSARY CHANGES IN POWER HOUSE, AT LONGVIEW STATE HOSPITAL, CINCINNATI, OHIO, AT AN EXPENDITURE OF \$11,851.00—SURETY BOND EXECUTED BY THE STANDARD ACCIDENT INSURANCE COMPANY OF DETROIT, MICH.

COLUMBUS, OHIO, September 17, 1932.

HON. T. S. BRINDLE, *Superintendent of Public Works, Columbus, Ohio.*

DEAR SIR:—You have submitted for my approval a contract between the State of Ohio, acting by the Department of Public Works, for the Department of Public Welfare, Columbus, Ohio, and W. L. Parkinson of Mansfield, Ohio. This contract covers the construction and completion of contract for Hot Water Supply and Return Piping for a project known as Service Lines to and Necessary Changes in Power House, Longview State Hospital, Cincinnati, Ohio, in accordance with Item No. 2, Item No. 10 (Alternate W-1), and Item No. 16 of the form of proposal dated August 8, 1932. Said contract calls for an expenditure of eleven thousand eight hundred and fifty-one dollars (\$11,851.00).

You have submitted the certificate of the Director of Finance to the effect that there are unencumbered balances legally appropriated in a sum sufficient to cover the obligations of the contract. You have also shown that the Controlling Board has approved the expenditure of moneys for this contract in accordance with Section 3 of House Bill No. 596 of the 89th General Assembly. In addition, you have submitted a contract bond, upon which the Standard Accident Insurance Company of Detroit, Michigan, appears as surety, sufficient to cover the amount of the contract.

You have further submitted evidence indicating that plans were properly prepared and approved, notice to bidders was properly given, bids tabulated as required by law and the contract duly awarded. Also it appears that the laws relat-

ing to the status of surety companies and the workmen's compensation have been complied with.

Finding said contract and bond in proper legal form, I have this day noted my approval thereon and return the same herewith to you, together with all other data submitted in this connection.

Respectfully,
GILBERT BETTMAN,
Attorney General.

4621.

APPROVAL, BONDS OF CITY OF LIMA, ALLEN COUNTY, OHIO,
\$25,000.00.

COLUMBUS, OHIO, September 17, 1932.

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

4622.

BOND ISSUE—SCHOOL GYMNASIUM CONSTRUCTED THROUGH PERSONAL NOTES OF RESIDENT TAXPAYERS—BOARD OF EDUCATION MAY NOT ASSUME LIABILITY AND ISSUE BONDS.

SYLLABUS:

Where it appears that the resident taxpayers of a school district had, by popular subscription and donation constructed a gymnasium on school property for the uses of the school district, and had donated the said building to the said district, and had given their personal note for the remaining portion of the cost of said building after the amounts raised by subscriptions and donations had been exhausted, the board of education of the district is without power to assume the obligations of said taxpayers on said note, and to issue bonds, either with or without a vote of the people, for the purpose of discharging that obligation.

COLUMBUS, OHIO, September 19, 1932.

HON. MARCUS McALLISTER, *Prosecuting Attorney, Xenia, Ohio.*

DEAR SIR:—This will acknowledge your request for my opinion, which reads as follows:

“Approximately six years ago, taxpayers of Ross Township, Greene County, Ohio, by popular subscriptions and donations were able to raise sufficient funds to erect a gymnasium on the school property adjacent to the high school building; however, the funds raised from popular subscrip-