

to purchase an automobile than to rely upon other means of transportation, and the efficiency of the board, in view of conditions, requires such, it is believed that by implication sufficient authority may be found. On the other hand, if the work of the board is such that the purchase and maintenance of an automobile is not necessary to the successful, economical and efficient conduct of its work, such an expenditure would not be justified.

It may be borne in mind that the object of the law is to provide for the public health and welfare, one of the most important functions of government. It is believed to be proper to consider the universal custom relative to the general use of automobiles as a means of transportation in existence at the time the present health legislation was enacted. I am compelled to the conclusion that it was the legislative intent that such incidental powers were to be exercised by boards of health as would enable them to accomplish their main purpose in a practical and businesslike manner.

Therefore, as above suggested, it is my opinion that where conditions are such as to require the board of health to purchase an automobile in order to render the proper service to the public in the performance of its duty, expressly imposed, such power will be reasonably implied. Whether or not such a condition exists must be determined in the discretion of the board. On the other hand, in those cases wherein the duties of such a board can be performed in a satisfactory and efficient manner without such an expenditure such a purchase undoubtedly would be an abuse of its power.

Respectfully,

C. C. CRABBE,

Attorney General.

2996.

DISAPPROVAL, BONDS OF VILLAGE OF ANSONIA, DARKE COUNTY,
\$40,000.00.

COLUMBUS, OHIO, December 9, 1925.

Re: Bonds of Village of Ansonia, Darke County, \$40,000.00.

Department of Industrial Relations, Industrial Commission of Ohio, Columbus, Ohio.

GENTLEMEN:—The foregoing bonds are issued under the provisions of section 12, Article XVIII of the Constitution of the State of Ohio, which provides as follows:

“Any municipality which acquires, constructs or extends any public utility and desires to raise money for such purposes may issue mortgage bonds therefor beyond the general limit of bonded indebtedness prescribed by law; provided that such mortgage bonds issued beyond the general limit of bonded indebtedness prescribed by law shall not impose any liability upon such municipality but shall be secured only upon the property and revenues of such public utility, including a franchise stating the terms upon which, in case of foreclosure, the purchaser may operate the same, which franchise shall in no case extend for a longer period than twenty years from the date of the sale of such utility and franchise on foreclosure.”

It is, therefore, observed that such mortgage bonds are not general obligations of the municipality, but on the other hand are secured only by mortgage on a public utility, which in this case is on the waterworks and electric light plant of said village.

Section 2 of the ordinance providing for the issue contains the following provision:

"That in order to raise the money with which to extend said combined waterworks and electrical works by purchasing the foregoing equipment, it is deemed necessary by the Council of the Village of Ansonia to issue and sell mortgage bonds of said village in said sum of \$40,000, which shall be secured only on the property and revenues of such public utility now owned by the village, including the franchise hereinafter provided for, under which, in case of foreclosure, the purchaser may operate the same."

No tax levy is provided to care for the maturities of interest or principal of said mortgage bonds, nor is there any provision for a deficiency levy to care for any such failure of payment as is provided by law in the case of assessment bonds.

In view of the fact that the payment of the bonds and interest must be raised by the earnings of the utility, and in case of failure, foreclosure would be required, I cannot advise the purchase of this class of bonds.

There is also some question as to whether section 1465-58 G. C. contemplates the purchase of mortgage bonds, since the same are not general obligations of the taxing district. You are therefore advised not to accept this issue of bonds.

Respectfully,

C. C. CRABBE,

Attorney General.

2997.

DISAPPROVAL, BONDS OF VILLAGE OF MIDDLEFIELD, GEAUGA COUNTY, \$4,000.00.

COLUMBUS, OHIO, December 9, 1925.

Re: Bonds of Village of Middlefield, Geauga County, \$4,000.00.

Department of Industrial Relations, Industrial Commission of Ohio, Columbus, Ohio.

GENTLEMEN:—An examination of the transcript submitted for the foregoing issue of bonds discloses that the bond ordinance provides that the bonds in the sum of \$4,000.00 shall mature as follows:

\$1,000.00 October 1, 1935 to 1938, inclusive.

Section 2295-12 G. C. as amended in 111 O. L., page 88, provides as follows:

"All bonds hereafter issued by any county, municipality, including charter municipalities, school district, township or other political subdivision, shall be serial bonds maturing in substantially equal semi-annual or annual installments. If issued with semi-annual maturities the first installment shall mature not earlier than the first day of March next following the fifteenth day of July next following the passage of the ordinance or resolution authorizing such bonds; and if issued with annual maturities, the first installment shall mature not earlier than the first day of the second September next following said fifteenth day of July. In either case the first installment shall mature not later than eleven months after said earliest date thereof."

The foregoing bond ordinance was passed on October 12, 1925, and it will therefore be observed that the first maturity of said bonds should have been on September