

slaughter have been found against the same defendant and he is tried upon one indictment, and the others nollied, the counsel may receive, subject to the approval of the court and the allowance by the commissioners, the maximum fee of fifty dollars on each indictment.

2. When two defendants are jointly indicted for a felony other than murder in first and second degree and manslaughter and tried together and one attorney is appointed to defend both, he may receive, subject to the approval of the court and the allowance by the commissioners, the maximum fee of fifty dollars for each defendant.

3. Where two attorneys are appointed to defend one defendant in a felony other than murder in first and second degree and manslaughter, section 13618 G. C. limits the amount that may be paid to both attorneys to fifty dollars.

Respectfully,

C. C. CRABBE,
Attorney General.

1804.

APPROVAL, BONDS OF VILLAGE OF GARFIELD HEIGHTS, CUYAHOGA COUNTY, \$56,476.00, FOR CERTAIN IMPROVEMENTS.

COLUMBUS, OHIO, September 29, 1924.

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

1805.

DISAPPROVAL, BONDS OF HARTFORD TOWNSHIP RURAL SCHOOL DISTRICT, TRUMBULL COUNTY, \$2,900.00.

COLUMBUS, OHIO, September 29, 1924.

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

Re: Bonds of Hartford Township Rural School District, Trumbull County, \$2,900.00.

Gentlemen:—

I have examined the transcript submitted in connection with the above bond issue and find that I cannot approve the same for the full amount of \$2,900.00.

These bonds are issued by the board of education of the school district under the provisions of sections 7629 and 7630 G. C. Section 7629 G. C. as amended in 109 O. L., page 252, provides as follows:

“The board of education of any school district may issue bonds to obtain or improve public school property, and in anticipation of income from taxes, for such purposes, levied or to be levied, from time to time, as occa-

sion requires, may issue and sell bonds, under the restrictions and bearing a rate of interest specified in sections seventy-six hundred and twenty-six and seventy-six hundred and twenty-seven. The board shall pay such bonds and the interest thereon when due, but provided that no greater amount of bonds be issued in any year than would equal the aggregate of a tax at the rate of two mills, for the year next preceding such issue. The order to issue bonds shall be made only at a regular meeting of the board and by a vote of two-thirds of its full membership, taken by yeas and nays and entered upon its journal."

The transcript in this instance shows the tax valuation of the district to be \$1,420,890.00, and the maximum amount of bonds to be issued in any one year under the provisions of the foregoing section to be \$2,840.00. It is probably true that the proceedings of the board of education might be amended in order to take care of the maximum amount that may be issued at this time, but in view of the fact that this will require a change of maturities, and that the advertisement as published would not be in correct form as to the exact amount to be issued, I am therefore of the opinion that the issue must be disapproved, and proper proceedings should be taken for the issuance of the bonds in the amount permitted under the statute.

You are therefore advised not to purchase these bonds as offered for sale.

Respectfully,

C. C. CRABBE,

Attorney General.

1806.

DISAPPROVAL, BONDS OF LOSTCREEK TOWNSHIP RURAL SCHOOL DISTRICT, MIAMI COUNTY, \$12,600.00.

COLUMBUS, OHIO, September 29, 1924.

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

Re: Bonds of Lostcreek Township Rural School District, Miami County, \$12,600.00.

Gentlemen:—

I have examined the transcript submitted to this department in connection with the foregoing issue of bonds and find that the board of education of this school district is endeavoring to issue these bonds under the provisions of House Bill No. 599.

The bond resolution as passed by the board of education on May 19, 1924, provided first that the bonds should be dated February 1, 1924. I find no provision of the General Code which authorizes a board of education to issue bonds bearing date prior to the date of the passage of the legislation authorizing their issuance. In fact, there are no provisions under House Bill No. 599 relative to the dating of the bonds to be issued thereunder. It cannot, however, be assumed that the mere absence of any provision will authorize a board of education to issue bonds which shall bear date prior to that authorizing the act.