

by the issuance of bonds would be for indebtedness accruing prior to January 1, 1924, and must necessarily now be past due obligations that have been due for more than fourteen months.

If it should be the case that the obligations have arisen prior to January 1, 1924, we will still be confronted with the proposition that a debt has been made for removing, improving and equipping the light and waterworks plant without complying with the provisions of section 3806, General Code. Said section provides as follows:

"No contract, agreement or other obligation involving the expenditure of money shall be entered into, nor shall any ordinance, resolution or order for the expenditure of money, be passed by the council or by any board or officer of a municipal corporation, unless the auditor or clerk thereof, first certifies to council or to the proper board, as the case may be, that the money required for such contract, agreement or other obligation, or to pay such appropriation or expenditure, is in the treasury to the credit of the fund from which it is to be drawn, and not appropriated for any other purpose, which certificate shall be filed and immediately recorded. The sum so certified shall not thereafter be considered unappropriated until the corporation is discharged from the contract, agreement or obligation, or so long as the ordinance, resolution or order is in force."

It is therefore apparent that either the provisions of section 3806, General Code, have not been complied with, or that this issue is in violation of the provisions of section 3916, General Code. Because of the provisions of these two sections, I am of the opinion that these bonds are not valid and legal obligations of the Village, and advise you not to purchase the same.

Respectfully,
C. C. CRABBE,
Attorney-General.

2296.

APPROVAL BONDS OF CONCORD TOWNSHIP RURAL SCHOOL DISTRICT
FAYETTE COUNTY \$20,500.00.

COLUMBUS, OHIO, March 17, 1925.

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

2297.

DISAPPROVAL BONDS OF SOUTH EUCLID—LYNDHURST VILLAGE
SCHOOL DISTRICT CUYAHOGA COUNTY \$60,000.00.

COLUMBUS, OHIO, March 17, 1925.

Re: Bonds of South Euclid—Lyndhurst Village School District,
Cuyahoga County, \$60,000.00.

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

GENTLEMEN:—It is observed that you have purchased \$60,000.00 of a bond issue of \$421,360.37. An examination of the transcript discloses that the electors of this

school district have voted an issue of \$410,000.00. The bond resolution provides for the issuance of \$50,000.00 for acquiring sites; \$290,000.00 for the construction of a fireproof school house; \$70,000.00 for furnishing the school house, and also provides for an additional sum of \$11,360.37 to care for interest maturing previous to the receipt of taxes.

Section 2295-11, General Code, provides:

“The cost of construction of any building, utility or improvement may be construed to include interest payable during construction on bonds issued for such construction. A sum not to exceed one year’s interest on any bond issue may be included in the amount of the issue to the extent necessary to care for interest maturing previous to the receipt of the taxes or assessments from which such interest is to be ultimately paid.”

It is therefore observed that under the provisions of this section interest may be included as part of the cost of construction but not for an additional amount to the sum for which the electors have approved the issue.

You are therefore advised that this school district has exceeded its authority in the issuance of bonds in excess of \$410,000.00. As the total issue of \$421,360.37 cannot be divided, you are therefore advised not to purchase the bonds as certified to this department by your resolution of purchase.

Respectfully,
C. C. CRABBE,
Attorney-General.

2298

APPROVAL, THE FOLLOWING LEASES: 1 OHIO CANAL LEASE; 1 MIAMI & ERIE CANAL LEASE; 1 HOCKING CANAL LEASE; 1 BUCKEYE LAKE LEASE AND 1 LAKE ST. MARYS LEASE.

COLUMBUS, OHIO, March 18, 1925.

Department of Highways and Public Works, Division of Public Works, Columbus, Ohio.

GENTLEMEN:—I have your letter of March 9, 1925, in which you enclose the following leases in triplicate, for my approval:

OHIO CANAL	VALUATION
McKinney Steel Co., Land in Cleveland.....	\$114,666 67
Eugene Catee, Land in Scioto County.....	100 00
MIAMI & ERIE CANAL	
P. C. C. & St. L. R. R., Land in Middletown.....	2,000 00
HOCKING CANAL	
J. D. Shaw, Land in Hocking County.....	125 00
BUCKEYE LAKE	
Arthur McBryde, cottage site and landing.....	200 00
Ellen M. Connolly, cottage site and landing.....	400 00