

<i>Lake St. Marys</i>	
The Taponola Company, park	\$ 1,400.00
Walter A. Miller, private landing, lawn and gardening	200.00
F. B. Shirley, cottage site and landing	200.00
<i>Nesmith Lake</i>	
E. J. Gray, boat house and walkway	100.00

I have carefully examined said leases, find them correct in form and legal, and am therefore returning the same with my approval endorsed thereon.

Respectfully,

C. C. CRABBE,
Attorney General.

2900.

DISAPPROVAL, BONDS OF CITY OF JACKSON, JACKSON COUNTY,
\$20,000.00.

COLUMBUS, OHIO, October 26, 1925.

Re: Bonds of City of Jackson, Jackson County, \$20,000.00.

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

GENTLEMEN:—The transcript for the foregoing issue of bonds discloses that the council of the city has passed an ordinance "providing for the issuance of funding bonds to provide for the funding of \$20,000.00 of a judgment held by the Jackson Municipal Water Company against the city of Jackson, Ohio, said \$20,000.00 being applied to the funding of indebtedness incurred prior to January 1, 1924."

Section 5649-1c G. C. provides as follows:

"On or before the first Monday in May of each year, the fiscal officer of the municipal corporation or other political subdivision shall certify to the council, county commissioners, board of education or other tax levying authority of his political subdivision the amount of tax necessary to provide for the payment of final judgments against the political subdivision, except in condemnation of property cases, and said tax levying authority shall place such amount in the annual tax levying ordinance, resolution or other measure for the full amount certified."

As observed by the foregoing section, provision is made for a tax levy to provide for the payment of such final judgments, but there is no statutory authority for the issuance of bonds in anticipation of the collection of such tax.

Section 2295-8 G. C., as amended in 110 O. L., page 160, provides:

"When the fiscal officer of any county or other political subdivision, including charter municipalities, certifies to the bond-issuing authority that, within the limits of its funds available for the purpose, the subdivision is unable, with due consideration of the best interests of the subdivision, to pay a final judgment rendered against the subdivision in an action for personal injuries or based on other non-contractual obligation, then such subdivision may issue bonds, in an amount not exceeding the amount of the

judgment and carrying interest not to exceed six per cent, for the purpose of providing funds with which to pay such final judgment. Providing also that when the fiscal officer of any such subdivision certifies to the bond issuing authority that, within the limits of its funds available for the purpose, the subdivision is unable with due consideration of the best interests of the subdivision, to pay a final judgment rendered against the subdivision in an action based upon an obligation of a contractual nature incurred prior to the fourteenth day of May, 1921, and reduced to judgment prior to the passage of this act, then said political subdivision may issue bonds in an amount not exceeding the amount of the judgment and the interest due thereon, and carrying interest not to exceed six per cent for the purpose of providing funds with which to pay such final judgment."

It will be observed that this section provides only for the issuance of bonds to pay a final judgment rendered against a subdivision in an action based upon the obligation of a final judgment rendered against the subdivision in an action for personal injuries or other non-contractual obligations.

As the transcript in this case definitely discloses that the obligation for which the judgment was rendered must necessarily come within a contractual obligation, I am of the opinion that there is no statutory authority for the issuance of bonds for the purposes as shown in this transcript.

You are therefore advised that these bonds are not legal and valid obligations of the city of Jackson, and you are advised not to purchase the same.

Respectfully,

C. C. CRABBE,
Attorney General.

2901.

APPROVAL, BONDS OF VILLAGE OF DEER PARK, HAMILTON COUNTY, \$23,614.16.

COLUMBUS, OHIO, October 27, 1925.

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

2902.

APPROVAL, BONDS OF VILLAGE OF SOUTH ZANESVILLE, MUSKINGUM COUNTY, \$13,071.76.

COLUMBUS, OHIO, October 27, 1925.

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