

quoted, it is believed that children of high school age and who are otherwise eligible to high school, who are inmates of a county children's home, may be and under certain circumstances should be transported to high school. Where no high school is maintained in the district within four miles of the residence of the pupil (which in the instant case would be the county children's home), nor high school branches taught in the elementary school, as provided in section 7648, General Code, pupils inmates of a county children's home otherwise eligible to high school would be entitled to transportation, or in lieu thereof board and lodging. The duty of providing such transportation to high school would rest in the first instance upon the board of education of the district wherein the children's home is located, but the expense thereof should be charged to the school district of the residence of the pupil as part of the per capita cost of such schooling, in accordance with the provisions of sections 7677 and 7678, General Code of Ohio.

Respectfully,  
 C. C. CRABBE,  
*Attorney General.*

1772.

DISAPPROVAL, BONDS OF TRUMBULL COUNTY, \$42,000.00.

COLUMBUS, OHIO, September 18, 1924.

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

Re: Bonds of Trumbull County, \$42,000.00.

Gentlemen:—

I have examined the transcript submitted to this department in connection with the foregoing issue of bonds, and find that these bonds are being issued by the commissioners of Trumbull County for road improvements under the provisions of section 6929 G. C.

The transcript contains in part proceedings as follows:

A petition was filed with the board of county commissioners, which represented more than fifty-one per cent of the land owners requesting the improvement, and is signed "The City of Youngstown BY" three parties designated the board of control.

The next proceeding is a resolution which recites that the petition has been filed for the improvement of a part of Gypsy Lane and that:

"WHEREAS, section 6912 G. C. requires notice of the improvement, and notice of the time and place of hearing of objections, and claims for damages, and compensation; and section 6922 G. C. requires that, after an estimate of the special assessments to be levied for the payment of the cost and expenses of said improvement, shall have been filed by the county surveyor, notice, that said estimates of assessments have been filed, shall be given, and hearing shall be had upon objections thereto.

NOW THEREFORE, we, the owners of all the land abutting upon said improvement, and who will be specially assessed for the same, hereby waive the giving of notice, as to the hearing of objections to said improvement, or claim for damages, or compensation; and also we waive notice of the hearing, after the filing of the estimates of special assessments to be levied, and hereby consent to said improvement, as determined by the board of county commissioners; and, furthermore, hereby consent to be assessed according to the plan set forth in section 6923 G. C. said assessments to be paid in not more than twenty (20) semi-annual installments.

THE CITY OF YOUNGSTOWN  
By"

three parties named in the resolution. There is, however, no proceeding of any legal board or deputy for the adoption of said resolution.

The above proceeding is followed by the action of the board of county commissioners, in which they determine that the compensation, damages, cost and expense of said improvement shall be apportioned and paid for in its entirety by the owners of property abutting upon said improvement. The county surveyor is instructed to make his estimated assessments. This is followed by a report of the county surveyor in which he makes an assessment upon the actual value of the real estate abutting upon Gypsy Lane against the City of Youngstown in the sum of \$41,037.23.

I know of no statutory provisions providing for an assessment or levy being made against a municipality in this form of procedure, and as the total cost of this improvement is to be apportioned by the city, and no legislation has been had by the council of the city, providing for the payment of this debt, I am compelled to disapprove this issue of bonds, and you are therefore advised not to purchase the same. There are other discrepancies in the transcript, but the reasons herein set forth are sufficient causes for disapproval.

Respectfully,  
C. C. CRABBE,  
*Attorney General.*

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1773.

APPROVAL, BONDS OF VILLAGE OF FAIR PORT, LAKE COUNTY,  
\$4,000.00, WATERWORKS BONDS.

COLUMBUS, OHIO, September 19, 1924.

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