

for the submission of such proposed amendments or laws or the publishing thereof shall be paid by the state from the general revenue fund; and provides that the provisions of the amendment are mandatory and shall be self-executing.”

I am of the opinion that the foregoing is a fair and truthful statement of the proposed constitutional amendment and accordingly submit for uses provided by law the following certification:

“I, John W. Bricker, Attorney General of the State of Ohio, pursuant to the duties imposed upon me under the provisions of Section 4785-175, General Code, hereby certify that the foregoing summary is a fair and truthful statement of the proposed amendment to the Constitution of Ohio by amending Article 16 thereof, by adopting and adding thereto a new section to be known as Section 4. JOHN W. BRICKER, Attorney General.”

Respectfully,

JOHN W. BRICKER,
Attorney General.

5213.

DISAPPROVAL—NOTES OF SALEM CITY SCHOOL DISTRICT,
COLUMBIANA COUNTY, OHIO, \$6,000.00.

COLUMBUS, OHIO, March 5, 1936.

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

GENTLEMEN:

RE: Notes of Salem City School Dist., Columbiana County, Ohio,
\$6,000.00.

The above notes are issued by virtue of the provisions of Section 2293-4, General Code.

The Supreme Court, in the case of *Davis v. State, ex rel.*, 130 O. S., 411, in an opinion written by Judge Stephenson, recently held as follows with reference to notes issued under authority of said section:

“3. Funds for the payment of such anticipatory notes are appropriated as a matter of law for their payment at the next succeeding semi-annual settlement, and when such notes are permitted to run past two semi-annual settlements without collection, and the appropriated funds are expended, no power has

been delegated to make another appropriation or provide for their collection.

4. It was the duty of the chief accounting officer of the city of Cleveland when the notes herein became due to collect the same from the proceeds of the next semi-annual settlement when a sum necessary for their retirement was appropriated as a matter of law. That time having passed, and the moneys appropriated as a matter of law for the payment of the notes having passed with it, there is no authority of law provided for their collection."

Since the court has apparently held that there is no way to enforce collection of such notes in the event the proper officers of the subdivision issuing such notes fail to do their duty, there is considerable doubt as to whether such notes are general obligations of the subdivision issuing them. It is therefore my advice that you do not purchase any notes issued under authority of Section 2293-4, General Code.

Respectfully,

JOHN W. BRICKER,
Attorney General.

5214.

APPROVAL—BONDS OF SUMMIT COUNTY, OHIO, \$72,000.00.

COLUMBUS, OHIO, March 5, 1936.

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

5215.

APPROVAL—BONDS OF GLENMONT RURAL SCHOOL DISTRICT, HOLMES COUNTY, OHIO, \$1,169.23.

COLUMBUS, OHIO, March 6, 1936.

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