

particular purpose, and should have the full benefit of such appropriation or fund. It is provided that no institution, department, improvement or public service industry shall receive any financial benefit from appropriations made or funds established for the support of another, and that any service rendered for one such improvement or activity should be paid for at its full value to the other institution or activity rendering the service. In the instant case, the boulevard parkway project should pay to the park department of the municipality for the work performed, and when payment is made it of course should be credited to the appropriation which had been made from the general fund for park purposes.

This, in effect, is probably the same as transferring funds from one fund to another, but the principle is entirely different, and is done by authority of the statute specifically authorizing and directing it.

Respectfully,
GILBERT BETTMAN,
Attorney General.

323.

APPROVAL, BOND FOR THE FAITHFUL PERFORMANCE OF HIS
DUTIES AS RESIDENT DISTRICT DEPUTY DIRECTOR—D. H. DAVIS.

COLUMBUS, OHIO, April 18, 1929.

HON. ROBERT N. WAID, *Director of Highways, Columbus, Ohio.*

DEAR SIR:—You have submitted for my consideration a bond in the sum of five thousand dollars, and conditioned for the faithful performance of the duties of the principal as resident district deputy director, as follows:

D. H. Davis, principal, (Fayette County) upon which the American Surety Company of New York appears as surety.

The above bond is given in pursuance to the provisions of Section 1182 of the General Code, which section specifically requires that resident district deputy directors shall give bond in the amount above indicated with sureties to your approval. The bond has been properly executed and bears your approval thereon.

It is further noted that in the official roster of the Division of Insurance the surety heretofore mentioned has been duly authorized to transact business in Ohio.

In view of the foregoing, I have approved said bond as to form and return the same herewith.

Respectfully,
GILBERT BETTMAN,
Attorney General.

324.

TAX AND TAXATION—INTEREST ON NOTES FOR TOWNSHIP ROAD
IMPROVEMENT MATURING PREVIOUS TO RECEIPT OF TAXES—
ASSESSED AS PART OF COST OF CONSTRUCTION.

SYLLABUS:

Interest on notes issued during the construction of a township road improvement.

which interest will mature previous to the receipt of taxes or assessments, should be included in the amount assessed against real estate abutting upon such improvement as part of the cost of such construction, in the same proportion as other items of cost may be apportioned to such real estate abutting upon the improvement.

COLUMBUS, OHIO, April 19, 1929.

HON. CHARLES T. STAHL, *Prosecuting Attorney, Bryan, Ohio.*

DEAR SIR:—This is to acknowledge receipt of your letter of recent date which is as follows:

“I would like to have your opinion in regard to the following:

A certain road was constructed in Center Township, and the money borrowed by the trustees for their share and the share of the land owners before the contract was let.

As the road was completed the assessments were duly made based on the cost of construction.

I contend that the accrued interest borrowed by the township for the land owners is part of the cost of construction therein, when the assessments were made. I believe that this would come under Section 3298-15b in General Code of Ohio. Please let me hear from you.”

You desire my opinion upon whether or not interest on notes issued in anticipation of the collection of assessments for a township road improvement, maturing previous to the receipt of such assessments, may be included in the amount assessed as part of the cost of such construction.

It is expressly provided in Section 2293-11, General Code, being part of the Uniform Bond Act, 112 O. L., 369, as follows:

“The cost of construction by a subdivision of any public utility may include interest payable during construction on bonds and notes 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 ultimately is to be paid.”

Manifestly, if the entire cost were assessed, interest maturing on notes issued during construction may, under this section, be included as part of the cost of construction. It, therefore, should be included in the amount assessed.

In the instant case, it appears that a part of the cost of the improvement is being paid by the township and a part by the adjoining property owners; it would seem clear, therefore, that the interest on money borrowed during construction should be apportioned between the township and the adjoining property owners in the same proportion as the other items of cost are apportioned. This conclusion must follow on account of the fact that it is expressly provided that such interest, under Section 2293-11, *supra*, may be included as part of the cost.

Section 3298-13 provides that the compensation, damages, costs and expenses of a road improvement may be apportioned and paid in any one of several methods, one of which is that all or any part thereof shall be assessed against the real estate abutting upon said improvement. The language here used is very broad and it is provided that not only the cost of such improvement may be assessed, but also the compensation, damages and expenses. Having in mind that the Uniform Bond Act expressly provides that interest payable during the construction on bonds and notes

issued for such construction may be included as part of the cost thereof, the conclusion is irresistible that such interest may be assessed.

In specific answer to your inquiry, I am of the opinion that interest on notes issued during the construction of a township road improvement, which interest will mature previous to the receipt of taxes or assessments, should be included in the amount assessed against real estate abutting upon such improvement as part of the cost of such construction, in the same proportion as other items of cost may be apportioned to such real estate abutting upon the improvement.

Respectfully,
GILBERT BETTMAN,
Attorney General.

325.

APPROVAL, BONDS OF VILLAGE OF NORTH COLLEGE HILL, HAMILTON COUNTY—\$76,668.16.

COLUMBUS, OHIO, April 19, 1929.

Industrial Commission of Ohio, Columbus, Ohio.

326.

DISAPPROVAL, ABSTRACT OF TITLE TO LAND OF BESSIE McCORMICK AND IRENE MILLER IN JEFFERSON TOWNSHIP, ADAMS COUNTY, OHIO.

COLUMBUS, OHIO, April 19, 1929.

HON. CARL E. STEEB, *Secretary, Ohio Agricultural Experiment Station, Columbus, Ohio.*

DEAR SIR:—This is to acknowledge receipt of your communication of recent date submitting for my examination and approval, abstract of title, warranty deed, encumbrance estimate No. 4794, and controlling board certificate, relating to the purchase of eight several tracts of land in Jefferson Township, Adams County, Ohio, aggregating 391 acres, more or less, and owned of record by Bessie McCormick and Irene Miller.

The abstract of title submitted is quite summary in form but I believe that I can approve the same if it is supplemented by a certificate over the signature of the abstractor, showing:

1. That there are no unreleased mortgages affecting any of said several tracts of land;
2. That there are no pending suits against said Bessie McCormick or Irene Miller;
3. That there are no judgments against said Bessie McCormick or Irene Miller or against any of their predecessors in title which are a lien on said several tracts of land;
4. That there are no foreign executions against said Bessie McCormick or Irene