Section 6907 of the General Code provides that when a petition is presented to the county commissioners by any county asking for the construction, etc., of any county road under the county highway laws, signed by at least fifty-one per cent of the land or lot owners who are to be taxed, etc., the *county commissioners* shall proceed with said improvement.

Following this section, it is provided in section 6910 of the General Code that the county commissioners may proceed with the improvement without a petition upon the passage of the resolution by unanimous vote declaring the necessity therefor.

The bond resolution in each of the transcripts in connection with this issue of bonds recites:

> "Said bonds shall be prepared, issued and delivered under the direction of the board of county commissioners of the said county and shall be signed by the members of said board and attested by the signature and official seal of the county auditor."

The provisions of section 6910 of the General Code for the unanimous vote of the members of the board of county commissioners where there is no petition for the improvement is the only statutory provision concerning the vote of said county commissioners for road improvements. The point has not been settled satisfactorily by any court action, and for that reason, it has been the general policy to have the specific proceedings for road improvements passed by the action of at least all the members of the board of county commissioners.

An objection is especially raised in this case for the reason that it is apparent that the action of the board of commissioners on these proceedings has not been unanimous and that objections to the improvement or to the issuance of the bonds are apparent. Under no circumstances could the bonds be accepted when signed only by two members of the board of county commissioners. In view of the irregularity of the other proceedings, I am not inclined to approve the issue, and you are therefore advised not to accept said bonds.

Respectfully,
C. C. CRABBE,
Attorney General.

3881.

APPROVAL, BONDS OF SOUTH EUCLID-LYNDHURST VILLAGE SCHOOL DISTRICT, CUYAHOGA COUNTY, $60,000.00.

COLUMBUS, OHIO, December 10, 1926.

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

3882.

APPROVAL, BONDS OF VILLAGE OF NORTH OLMSTED, CUYAHOGA COUNTY, $9,361.00.

COLUMBUS, OHIO, December 10, 1926.

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