

3277.

APPROVAL, FINAL RESOLUTIONS ON ROAD IMPROVEMENTS IN JACKSON, DEFIANCE, GEAUGA, COLUMBIANA, AND VAN WERT COUNTIES.

COLUMBUS, OHIO, April 16, 1926.

Department of Highways and Public Works, Division of Highways, Columbus, Ohio.

3278.

DISAPPROVAL, BONDS OF GRANDVIEW HEIGHTS VILLAGE SCHOOL DISTRICT, FRANKLIN COUNTY, \$17,857.34.

COLUMBUS, OHIO, April 17, 1926.

Re: Bonds of Grandview Heights Village School District, Franklin County, \$17,857.34.

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

GENTLEMEN:—The foregoing bonds are issued under the provisions of section 7625 of the General Code and under the provisions of House Bill No. 175 as passed by the 86th General Assembly.

The proof of publication giving notices of the election and the issuance of the bonds as submitted in the transcript recites that the advertisement was published on October 9, 16, 23 and 30, 1925, and giving notice of the election on November 3, 1925.

Section 5649-9b, General Code, provides in part as follows:

“Notice of the election shall be published in one or more newspapers printed and of general circulation in the subdivision once a week for four consecutive weeks prior thereto, stating the amount of the proposed bond issue, the purpose for which it is to be issued, and the maximum number of days during which said bonds shall run, and the estimated average additional rate outside of the limitations of section 5649-5b as certified by the county auditor.”

The notice purports to have been printed in a newspaper published and of general circulation in the village, but it will be observed that the publication was not had for four full weeks. The same rule of construction will apply to this statute as in the case of state of Ohio vs. Kuhner and King, 107 O. S., page 406, wherein the court held:

“The requirements of section 1206, General Code, that ‘the state highway commissioner shall advertise for bids for two consecutive weeks,’ is mandatory, and the contract entered on June 14 for advertisement in two weekly newspapers of the county on June 6th and June 13th, is invalid.”

The transcript in this case also contains a news item of the same newspaper, which was printed on September 18, 1925. This news item refers to this issue of

bonds, but does not in other respects comply with the provisions of section 5649-9b as to the number of days the bonds are to run and as to the estimated average additional rate outside of limitations and it also does not purport to be a legal notice of the election.

On account of the failure to comply with the provisions of this statute as to the publication of the notice of the election, it cannot be said that these bonds have been legally authorized by the electors, and you are therefore advised that they do not constitute legal and valid obligations of the school district, and you are further advised not to accept said bonds.

Respectfully,
C. C. CRABBE,
Attorney General.

3279.

APPROVAL, LEASE TO THE OHIO FUEL SUPPLY COMPANY, PART OF SECTION 16, TOWNSHIP 4, RANGE 13, ATHENS COUNTY, OHIO.

COLUMBUS, OHIO, April 17, 1926.

HON. JOSEPH T. TRACY, *Auditor of State, Columbus, Ohio.*

DEAR SIR:—You have submitted for my consideration a lease, in duplicate, executed by you to the Ohio Fuel Supply Company upon a part of section 16, township 4, range 13, Athens county, Ohio.

Finding said lease in proper legal form, I hereby approve the same as to form and return the same to you.

Respectfully,
C. C. CRABBE,
Attorney General.

3280.

APPROVAL, CONTRACT BETWEEN STATE OF OHIO AND V. W. SURBER, AKRON, OHIO, COVERING CONSTRUCTION AND COMPLETION OF EQUIPMENT FOR SWIMMING POOL EQUIPMENT FOR GYMNASIUM EQUIPMENT, KENT STATE NORMAL SCHOOL, KENT, OHIO, AT EXPENDITURE OF \$16,065.00. SURETY BOND EXECUTED BY THE HARTFORD ACCIDENT AND INDEMNITY COMPANY.

COLUMBUS, OHIO, April 19, 1926.

HON. GEORGE F. SCHLESINGER, *Director, Department of Highways and Public Works, Columbus, Ohio.*

DEAR SIR:—You have submitted for my approval a contract between the State of Ohio, acting by the Department of Highways and Public Works, for and on behalf of The Board of Trustees, of Kent State Normal School, Kent, Ohio, and V. W. Surber, of Akron, Ohio. This contract covers the construction and completion of equipment contract for the swimming pool equipment for gymnasium equipment, Kent State Normal School, Kent, Ohio, and calls for an expenditure of \$16,065.00.