

2169.

APPROVAL, FINAL RESOLUTIONS, ROAD IMPROVEMENTS IN WILLIAMS
AND OTTAWA COUNTIES.

COLUMBUS, OHIO, January 26, 1925.

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

2170.

APPROVAL, BONDS OF VILLAGE OF WESTERVILLE, FRANKLIN COUNTY,
\$23,000.00.

COLUMBUS, OHIO, January 24, 1925.

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

2171.

DISAPPROVAL, BONDS OF CITY OF EAST PALESTINE, COLUMBIANA
COUNTY, \$6,350.00.

COLUMBUS, OHIO, January 20, 1925.

RETIREMENT BOARD, State Teachers Retirement System, Columbus, Ohio.

GENTLEMEN:—The transcript submitted in connection with this issue of bonds contains only meager information from which to determine the legality of proceedings of the council of the city in the issuance of these bonds.

However, the affidavit of the publisher of one newspaper is to the effect that the notice of the sale of the bonds was published for four consecutive weeks prior to Oct. 4th, 1924, and the attached copy of the notice recites that the bonds were advertised for sale on September 12, 16, and 26th, and October 2nd.

Section 3924 G. C. provides that "municipal bonds shall be sold after publishing notice thereof for four consecutive weeks in two newspapers printed and of general circulation in the county where such municipal corporation is situated."

In the case of *State of Ohio vs. Kuhner and King*, 107-O. S., page 406, the court held that a statute providing for advertisement for two consecutive weeks is mandatory, and the contract entered into after two publications before the two full weeks had elapsed is invalid. In the Opinion of the court in this case, the following is found:

"In our opinion the word 'for' has some significance as used in this statute and applying the dictionary meaning thereof, which seems to us clearly indicated by the context as that most likely meaning the intent of the Legislature, such advertisement is required 'during the continuance of' or 'throughout' the period."

As only one advertisement is shown in the transcript and as it is insufficient as to time, I am compelled to hold that these bonds have not been legally sold, without determining whether or not the same have been legally issued.

You are, therefore, advised not to purchase this issue of bonds.

Respectfully,

C. C. CRABBE,
Attorney-General.

2172.

DISAPPROVAL, BONDS OF CITY OF EAST PALESTINE, COLUMBIANA COUNTY, \$1,756.16.

COLUMBUS, OHIO, January 20, 1925.

RETIREMENT BOARD, *State Teachers Retirement System, Columbus, Ohio.*

GENTLEMEN:—The transcript submitted in connection with this issue of bonds contains only meager information from which to determine the legality of proceedings of the council of the city in the issuance of these bonds.

However, the affidavit of the publisher of one newspaper is to the effect that the notice of the sale of the bonds was published for four consecutive weeks prior to Oct. 4th, 1924, and the attached copy of the notice recites that the bonds were advertised for sale on September 12, 18, and 26th and October 2d.

Section 3924 G. C. provides that "municipal bonds shall be sold after publishing notice thereof for four consecutive weeks in two newspapers printed and of general circulation in the county where such municipal corporation is situated."

In the case of *State of Ohio vs. Kuhner and King*, 107-O. S., page 406, the court held that a statute providing for advertisement for two consecutive weeks is mandatory, and the contract entered into after two publications before the two full weeks had elapsed is invalid. In the opinion of the court in this case, the following is found:

"In our opinion the word 'for' has some significance as used in this statute, and applying the dictionary meaning thereof, which seems to us clearly indicated by the context as that most likely meaning the intent of the Legislature, such advertisement is required 'during the continuance of' or 'throughout' the period."

As only one advertisement is shown in the transcript and as it is insufficient as to time, I am compelled to hold that these bonds have not been legally sold, without determining whether or not the same have been legally issued.

You are, therefore, advised not to purchase this issue of bonds.

Respectfully,

C. C. CRABBE,
Attorney-General.