

5. The total membership in the society shall not at any time exceed five hundred.

Section 9491, General Code; Opinion of Attorney General No. 3483, rendered to you August 5, 1931.

Since the proposed articles of incorporation of Sans Souci Mutual Aid do not comply with the pertinent statutes of Ohio, I am compelled to advise that same should not be filed by yourself in their present form.

Respectfully,
GILBERT BETTMAN,
Attorney General.

3739.

DISAPPROVAL, BONDS OF CITY OF ALLIANCE, STARK COUNTY,
OHIO—\$50,000.00.

COLUMBUS, OHIO, November 6, 1931.

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

GENTLEMEN:

Re: Bonds of City of Alliance, Stark County, Ohio, \$50,000.00.

There has been submitted in connection with the above purchase of bonds a transcript with respect to the issuance of two series of bonds in the amounts of \$100,000 and \$700,000 respectively, each of which were authorized pursuant to vote of the electors at the November, 1925, election on the matter of issuing bonds in the amount of \$800,000 for the purpose of constructing sewers and a sewage disposal plant.

The transcript does not contain affidavit in proof of publication of the notice of election as required by the then provisions of Section 5649-9b, General Code. These provisions with respect to the notice of election upon the question of issuing bonds are now substantially incorporated in Section 2293-21 of the Uniform Bond Act. This office has consistently taken the position that those provisions are mandatory and in the absence of a finding by a court of competent jurisdiction that there has been substantial compliance with the law in this respect, I am compelled to advise you not to purchase these bonds.

Respectfully,
GILBERT BETTMAN,
Attorney General.

3740.

APPROVAL, BOND FOR THE FAITHFUL PERFORMANCE OF HIS
DUTIES AS RESIDENT DISTRICT DEPUTY DIRECTOR IN ASH-
LAND COUNTY—HOWARD H. FETZER.

COLUMBUS, OHIO, November 6, 1931.

HON. O. W. MERRELL, *Director of Highways, Columbus, Ohio.*

DEAR SIR:—You have submitted a bond in the penal sum of \$5,000 upon which the name of Howard H. Fetzer appears as principal and The United States Fidelity and Guaranty Company appears as surety. Said bond is conditioned to