

State Armory Building, Hamilton, Ohio, and calls for an expenditure of \$42,000.00.

You have submitted the certificate of the director of finance to the effect that there are unencumbered balances legally appropriated in a sum sufficient to cover the obligations of the contract. There has further been submitted a contract bond upon which the Detroit Fidelity and Surety Company appears as surety, sufficient to cover the amount of the contract.

You have further submitted evidence indicating that plans were properly prepared and approved, notice to bidders was properly given, bids tabulated as required by law and the contract duly awarded. Also it appears that the laws relating to the status of surety companies and the workmen's compensation have been complied with.

Finding said contract and bond in proper legal form, I have this day noted my approval thereon and return the same herewith to you, together with all other data submitted in this connection.

Respectfully,

C. C. CRABBE,

Attorney General.

2611.

APPROVAL, BONDS OF VILLAGE OF JEFFERSON, MADISON COUNTY,
\$38,000.00.

COLUMBUS, OHIO, June 26, 1925.

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

2612.

DISAPPROVAL, BONDS OF CITY OF CAMBRIDGE, GUERNSEY COUNTY,
\$14,770.00.

COLUMBUS, OHIO, June 26, 1925.

Re: Bonds of City of Cambridge, Guernsey County, \$14,770.00.

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

GENTLEMEN:—The transcript submitted in connection with the above issue of bonds contains but one advertisement giving notice of the sale of the bonds.

Section 3924, General Code, provides in part as follows:

“Sales of bonds, other than to the trustees of the sinking fund of the city or to the board of commissioners of the sinking fund of the city school district as herein authorized, by any municipal corporation, shall be to the

highest and best bidder, 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, setting forth the nature, amount, rate of interest, and length of time the bonds have to run, with the time and place of sale."

The officials of the city advise that the newspaper carrying the advertisement giving notice of the sale of the bonds, is the only one printed in the county.

Statutes cannot require the performance of vain or impossible things and cannot defeat the rights of individuals, or the public, by making such requirements. In such event, the full performance of all that can possibly be done under any statute, would be such compliance as would be demanded.

However, this statute reads:

" * * * two newspapers printed and of general circulation in the county where such municipal corporation is situated."

It might be said that the requirement of publication in a newspaper of general circulation in the county in which the municipality is situated, can be complied with by having such publication in any newspaper having such general circulation, whether the same is printed in the county or elsewhere, so long as it complied as to general circulation.

I can find no decision of the court determining this specific question, but the courts have repeatedly held for a strict compliance of mandatory statutes in the legislation for bond issues, and this would necessarily require compliance with the statute in every respect in which the same can be done, and in this case, a publication in a newspaper of general circulation in the county, although not printed therein.

On account of this construction being the probable one, under the circumstances of this case, I am compelled to disapprove the issue, and advise you not to purchase said bonds.

Respectfully,

C. C. CRABBE,
Attorney General.

2613.

DISAPPROVAL, BONDS OF VILLAGE OF ST. CLAIRSVILLE, BELMONT COUNTY, \$5,000.00.

COLUMBUS, OHIO, June 26, 1925.

Re: Bonds of Village of St. Clairsville, Belmont County, \$5,000.00.

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

GENTLEMEN:—I have examined the transcript for the foregoing issue of bonds and find that the same contains two affidavits of the publishers giving notice of the sale of the bonds. One of the affidavits is to the effect that the notice was published in said newspaper for four consecutive weeks, the first publication being on