

This section it is believed placed the appointees of the Probation Department in the same category as that of appointees under the officers named in section 2978. And it follows necessarily that in fixing the salaries of such appointees that the same must be within the aggregate amount appropriated therefor by the county commissioners. And it is believed that the same rule would apply, with reference to whether the county commissioners should approve and the county auditor certify the monthly payroll accounts, as applies to the officers mentioned in section 2978 of the General Code.

Respectfully,
C. C. CRABBE,
Attorney General.

3430.

DISAPPROVAL, BONDS OF VILLAGE OF HARROD, ALLEN COUNTY,
\$15,388.38.

COLUMBUS, OHIO, June 10, 1926.

Re: Bonds of Village of Harrod, Allen County, \$15,388.38.

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

GENTLEMEN:—An examination of the transcript for the foregoing issue of bonds discloses that the same contains only one proof of publication, giving notice of the sale of the bonds, whereas the provisions of section 3924 of the General Code provide that such notice shall be published in two newspapers of general circulation in the municipality.

The bond resolution which was passed on April 1, 1926, provides that the bonds shall be dated not later than December 1, 1925. The advertisement for the sale of the bonds recites that the bonds shall be dated December 1, 1925. Following this advertisement of sale, the bonds were sold on May 20, 1926.

In the Opinions of the Attorney General, 1921, Volume I, page 168, we find the following:

“Upon examination of the transcript for the above bond issue, I find that the resolution authorizing the issuance of the bonds was adopted November 10, 1920, and that it is provided in said bond resolution that the bonds shall be dated October 1, 1920. I find no provision in the General Code which authorizes a board of education to issue bonds bearing date prior to the date of the passage of the legislation authorizing their issuance. In fact, the General Code contains no provision relative to the dating of bonds issued under authority of section 5656. It cannot, however, be assumed that the mere absence of any provision will authorize the board of education to issue bonds which shall bear date prior to their authorizing act. If they are authorized to issue bonds bearing date six weeks prior to the bond resolution, by the same reasoning they could issue bonds bearing date a year or more prior to the bond resolution. This practice should not to say the least be approved, and I therefore advise you not to accept the bonds.”

In this case there is now due on said bonds as sold more than six months' accrued interest. It does not seem to be the intention of the law and common prac-

tice that bonds should be sold bearing such amount of accrued interest, and as suggested by my predecessor, the practice of so dating bonds should not be permitted, and you are therefore advised not to accept said bonds.

Respectfully,
C. C. CRABBE,
Attorney General.

3431.

DISAPPROVAL, BONDS OF LIBERTY TOWNSHIP RURAL SCHOOL DISTRICT, HANCOCK COUNTY, \$12,000.00.

COLUMBUS, OHIO, June 10, 1926.

Re: Bonds of Liberty Township Rural School District, Hancock County, \$12,000.00.

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

GENTLEMEN:—An examination of the transcript submitted for the foregoing issue of bonds discloses that said bonds are being issued for the purpose of securing funds to remodel and make additions to the present school building under the provisions of section 7625 of the General Code, and in the amount of \$12,000.00.

The amount for which the contract has been awarded is in the sum of \$9,650.00. Section 5654-1 of the General Code provides in part as follows:

“The bonds shall not be advertised for sale nor issued until the contract is let, and shall be issued in an amount not exceeding the full amount of the accepted bid by more than the estimated amount of such items of cost as may be legally included in the total cost of such construction or improvement.”

The advertisement for the sale of the bonds, according to the affidavit of the publisher was first made on April 14, 1926, and published for three weeks, giving notice of the sale of the bonds on May 1, 1926, seventeen days after the first publication.

Section 2294 of the General Code provides that such bonds shall be advertised for sale for three consecutive weeks. In the case of State of Ohio vs. Kuhner and King, 107 O. S., page 406, the court held as follows:

“The requirement 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 furthermore does not show publication of the notice of the election as required by section 5649-9b G. C.

You are therefore advised that the provisions of the foregoing statutes have not been complied with in this instance, and for these reasons, you are advised not to accept said bonds.

Respectfully,
C. C. CRABBE,
Attorney General.