

vided by law. I also find upon examination of the provisions of these leases and of the conditions and restrictions therein contained, that the same are in conformity with statutory provisions relating to the execution of leases of this kind.

I am accordingly approving these leases as to legality and form, as is evidenced by my approval endorsed upon the several leases and upon the duplicate copies thereof, all of which are herewith returned.

Respectfully,

HERBERT S. DUFFY,
Attorney General.

1463.

DISAPPROVAL—TRANSCRIPT OF PROCEEDINGS TAKEN IN
THE ISSUANCE OF \$20,000.00 BUILDING BONDS BY THE
MONROE TOWNSHIP RURAL SCHOOL DISTRICT.

COLUMBUS, OHIO, November 15, 1937.

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

GENTLEMEN: I am in receipt of a transcript purporting to be a transcript of the proceedings taken by the Monroe Township Rural School District in the issuance of \$20,000.00 building bonds.

The resolution of necessity passed by this Board of Education provided for a twenty-year maturity; the County Auditor's estimated average annual levy was calculated on a twenty-year maturity; and the resolution determining to proceed with the election passed by this Board of Education likewise provided for a twenty-year maturity. The notice of election published in the Ashtabula Star Beacon recited that the maximum number of years during which such bonds are to run is *twenty-one years*. The ballot submitted to the electors provided for a maximum period of twenty years, likewise the bond resolution itself.

Section 8 of House Bill No. 544, 116 O. L., 580, provides briefly that the election on the question of issuing bonds shall be held under the provisions of Sections 2293-21 to 2293-23a, inclusive, General Code, with one exception, and that is if publication be made four times in one or more newspapers, the same shall be sufficient. Section 2293-21, General Code, provides for the election and also for the notice of election and it will be noted that this section in mandatory language provides that the notice shall state the amount of the proposed bond issue, the purpose for which such bonds are to be issued, the maximum *number of years* during which such bonds shall run and the estimated average additional tax rate,

outside of the limitation imposed by Article XII, Section 2, of the Constitution as certified by the County Auditor.

In the case of *State, ex rel., vs. Commissioners*, 122 O. S., page 456, the court therein held that the provisions of Section 2293-21, General Code, relating to the publication of notice of an election upon the question of issuing bonds, are mandatory, so that the only deviation from the mandatory provisions of Section 2293-21, General Code, considering the fact that this is an issue of bonds in conjunction with federal participation, is that part of Section 8 of House Bill No. 544 which allows the publication to be four times in one or more newspapers; otherwise, the mandatory provisions of Section 2293-21, General Code, prevail.

In the case of *State, ex rel., vs. Rees*, 125 O. S., 578, the court in very plain language held that the Uniform Bond Act must be strictly construed and that substantial compliance therewith is not sufficient.

In view of the above mentioned discrepancies, I am therefore of the opinion that the same are material and I therefore advise your Board against the purchase of these bonds.

Respectfully,

HERBERT S. DUFFY,

Attorney General.

1464.

VILLAGE COUNCIL MAY NOT OFFER REWARD FOR AP-
PREHENSION AND CONVICTION OF FELONS—MEM-
BERS OF COUNCIL MAY NOT BE HELD LIABLE FOR
REWARD PAID PURSUANT TO ILLEGAL ORDINANCE
—CLERK LIABLE FOR AMOUNT OF REWARD PAID ON
ILLEGAL WARRANT.

SYLLABUS:

1. *A village council is unauthorized to pass an ordinance providing a reward for information leading to the apprehension and conviction of a felon.*
2. *The members of a village council are neither jointly nor severally responsible for a reward paid in pursuance of an illegal ordinance purporting to authorize the payment of a reward for information leading to the apprehension and conviction of a felon.*
3. *A village clerk is individually liable for the amount of a reward paid upon his warrant issued in pursuance of an illegal ordinance purport-*