

children's home bonds dated April 1, 1924, one being in the aggregate amount of \$15,000, authorized for the purpose of completing a nursery building at the county children's home, and the other being in the aggregate amount of \$9,700 authorized for the purpose of completing repairs of the county children's home.

The proceedings leading up to the authorization of all these issues became pending in the year 1924. The issue of road bonds was advertised for three consecutive weeks, the date of first publication being June 26, 1924. The published notices attached to the affidavits in proof of publication thereof contained the statement that bids for the bonds would be received until Monday, July 14, 1924. It appears that the bonds were not sold pursuant to this published notice and that they were thereafter sold at private sale without the notice being republished.

The notices advertising the issues of children's home bonds in the amounts of \$15,000 and \$9,700, respectively, were published for three consecutive weeks commencing June 14, 1924, and recited that bids would be received until June 30, 1924. These transcripts with respect to these two issues similarly disclose the fact that the bonds were not sold pursuant to these advertisements and that they were sold at private sale without republication, presumably under authority of Section 2295, General Code, as then in force and effect.

Section 2294, General Code, then in force and effect, provided that "all bonds issued by boards of county commissioners \* \* \* shall be sold to the highest bidder after being advertised once a week for three consecutive weeks and on the same day of the week \* \* \*." Section 2295 provided that "when such bonds have been once advertised and offered at public sale, as provided by law, and they, or any part thereof remain unsold, those unsold may be sold at private sale at not less than their par value and accrued interest."

This office has consistently interpreted the phrase "advertised once a week for three consecutive weeks" as meaning throughout or during the continuance of three consecutive weeks, under authority of *State of Ohio v. Kuhner and King*, 107 O. S. 406. It, therefore, follows that Section 2294 required that at least twenty-one days elapse between the date of first publication and the final date fixed for the receipt of bids. Such time not having elapsed in the advertisement of the three issues herein under consideration, it is my opinion that none of these issues were advertised "as provided by law" and that, therefore, Section 2295 conferred no authority on the board of county commissioners to sell these bonds at private sale. I accordingly advise you not to purchase these bonds.

Respectfully,  
GILBERT BETTMAN,  
*Attorney General.*

3750.

APPROVAL, NOTES OF CITY OF WOOSTER, WAYNE COUNTY,  
OHIO—\$14,000.00.

COLUMBUS, OHIO, November 10, 1931.

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