

bonds was given for four consecutive weeks following the 3rd day of April, 1925, and giving notice of the sale of said bonds on April 25, 1925.

Section 3924 G. C. 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.”

The supreme court has held in the case of *Kuhner vs. King*, 107 O. S., page 406, that advertisement under a similar statute must run for or during the entire period as mentioned in the statute. That would be for four full weeks from the date of the first publication, but in this case there is also failure to the extent that the publication has only been made in one newspaper whereas the statute requires publication in two.

I am therefore of the opinion that these bonds have not been legally sold, as required by section 3924 G. C., and for that reason, you are advised not to purchase said bonds.

Respectfully,
C. C. CRABBE,
Attorney General.

2490.

ABSTRACT, STATUS OF TITLE, LOT NO. TWENTY-SEVEN (27) OF HAMILTON'S SECOND GARDEN ADDITION TO THE CITY OF COLUMBUS, FRANKLIN COUNTY, OHIO.

COLUMBUS, OHIO, May 15, 1925.

HON. CHARLES V. TRUAX, *Director of Agriculture, Columbus, Ohio.*

DEAR SIR:—An examination of an abstract of title submitted by your office to this department discloses the following:

The abstract under consideration was prepared by Adolph Haak and Company, Abstractors, under date of August 10, 1905. A continuation thereto by Adolph Haak and Company, under date of April 15, 1912, a continuation thereto by R. S. Swepston, attorney at law, under date of September 10, 1918, a continuation thereto by Kenyon S. Campbell, attorney at law, under date of June 18, 1924, and further, a final continuation thereto under date of May 12, 1925, by R. S. Swepston. Said abstract pertains to the following premises:

Lot No. twenty-seven (27) of Hamilton's second garden addition to the city of Columbus, county of Franklin and state of Ohio, as the same is numbered and delineated upon the recorded plat thereof, of record in plat book No. 7, page 186, recorder's office, Franklin county, Ohio, excepting therefrom six (6) feet off the rear end of each of said lots, reserved for an alley.

Upon examination of said abstract and the continuations thereto, I am of the

opinion same shows a good and merchantable title to said premises in John T. Horrigan, except as follows:

Taxes for the year 1925, amount not yet determined, are unpaid and a lien.

Taxes for the last half of 1924, in the sum of \$13.50, due and payable June 20, 1925, are unpaid and a lien.

A street cleaning assessment of eighty-eight cents (88c) due to the city of Columbus, is unpaid and a lien.

Attention is also directed to the mortgage shown at section 1 of the continuation of June 18, 1924, said mortgage being by John T. Horrigan to the Union Building and Savings Company, recorded in mortgage record 478, page 619, originally for the sum of four hundred dollars (\$400.00). This mortgage is a lien against the premises and is not satisfied of record. Said mortgage should be paid out of the compensation assessed in the appropriation proceedings in the probate court of Franklin county, Ohio, which proceedings are referred to in the entry hereto attached. This should be done and said mortgage thereupon released of record.

Attention is also directed to the necessity of the proper encumbrance certificate of the director of finance to the effect that there are unencumbered balances legally appropriated sufficient to cover the value of the premises under consideration before the purchase can be finally consummated.

Inasmuch as the property here under consideration has been acquired by the state of Ohio in an appropriation proceeding in the probate court of Franklin county, Ohio, and whereas it appears from a court proceeding abstracted at section 2 of the last continuation, that Charles W. Stagg and Elizabeth Stagg claim to have some interest in the premises under consideration, and whereas the plaintiff, John T. Horrigan and said defendants in said action entered into an agreement concerning the distribution of the compensation assessed in the probate court in the appropriation proceedings, it is further suggested that the compensation so assessed be paid and distributed as set forth in an entry in the case of John T. Horrigan, plaintiff, vs. Charles W. Stagg and Elizabeth Stagg, defendants; case No. 98772, in the court of common pleas of Franklin county, Ohio, a copy of which entry is herewith submitted.

The abstract and continuations thereto are herewith returned.

Respectfully,

C. C. CRABBE,

Attorney General.

2491.

DISAPPROVAL, BONDS OF CITY OF KENMORE, SUMMIT COUNTY,
\$6,000.00.

COLUMBUS, OHIO, May 14, 1925.

Re: Bonds of City of Kenmore, Summit County, \$6,000.00.

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

GENTLEMEN:—The transcript submitted for the above issue of bond does not contain the original bond ordinance passed on March 22, 1920, but does contain an amending resolution No. 628, passed on August 2, 1920. This amending resolution recites that bonds have been authorized in the sum of \$117,000.00, for the purpose of paying the village's share of the cost of street improvements in said village, and