

shall provide that thing is pointed out. The provision is a grant of power and the maxim *expressio unius est exclusio alterius* applies and leads to the conclusion that there is no other legal way of "providing" the fund.

In the second place the fact that the general assembly has at least granted *authority* to the commissioners to make a special levy indicates very clearly that the purpose for which the levy is to be made is a special purpose and not a general purpose, which might be met out of the general funds of the county. It is here that Section 5649-3d again comes into play. If the purposes of the "mothers' pension" act were to be regarded as general purposes of the county, then if the commissioners had made the levy in 1913 for the general county fund it would be proper, despite the provisions of the section just cited, to make an appropriation out of that fund for the purpose of the juvenile court under this act; but inasmuch as the legislature has at least declared the purpose of the "mothers' pension" fund to be a special purpose, it by that declaration negated the possible contention that such purposes are purposes properly to be met by an appropriation out of a levy for the general fund of the county."

It is therefore my opinion that county commissioners have no authority under the law to appropriate money out of the general fund to make up the difference between the amount of money produced by a levy in accordance with Section 1683-9 of the General Code and the amount of allowances made by the court for mothers' pensions, even though the levy was less than the one-fifth of a mill limitation set out in said section.

Respectfully,
EDWARD C. TURNER,
Attorney General.

166.

DISAPPROVAL, BONDS OF WEST UNITY VILLAGE SCHOOL DISTRICT,
WILLIAMS COUNTY, \$13,000.00.

COLUMBUS, OHIO, March 10, 1927.

Re: Bonds of West Unity Village School District, Williams county, \$13,000.00.

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

GENTLEMEN:—Upon examination of the transcript for the above bond issue I note that the publication of the notice of sale of the bonds commenced on November 29, 1926, and continued for three weeks.

The sale was advertised to take place on December 19th. It thus appears that while three publications were made, the full twenty-one days from the date of the first publication did not expire on the date of sale.

In the case of State of Ohio vs. Kuhner and King, 107 O. S., 406, the Supreme Court of Ohio has held that statutory requirements as to notice must be complied with strictly and that where publication is required for a given number of weeks, a full week must elapse between the date of the last publication and the date of the act

as to which notice is given. In view of this interpretation I find it necessary to disapprove the bond sale and you are accordingly advised not to purchase these bonds.

Respectfully,
EDWARD C. TURNER,
Attorney General.

167.

DISAPPROVAL, BONDS OF RUTLAND VILLAGE SCHOOL DISTRICT,
MEIGS COUNTY, \$1,400.00.

COLUMBUS, OHIO, March 10, 1927.

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

Re: Bonds of Rutland Village School District, Meigs County, \$1,400.00.

GENTLEMEN:—The additional information submitted at my request as supplemental to the transcript for the above bond issue discloses that the sale of these bonds was advertised for December 27, 1926. The affidavit of the publisher shows that the publication commenced on December 8th.

According to the provisions of Section 2294, General Code, bonds of the school district must be advertised for three weeks prior to the date of sale. In this case three full weeks could not expire prior to December 27th.

Under the rule of the Supreme Court of Ohio in the case of *State of Ohio v. Kuhner and King*, 107 O. S., 406, it was held that advertising provisions of the statute must be strictly complied with and where advertising is required for a given number of weeks there must elapse a full week between the date of the last publication and the date of the event advertised.

The State Teachers' Retirement fund is not given any authority by statute to purchase bonds without advertisement and therefore stands in the same situation as any private bidder.

Since the statutory requirements as to notice for the sale of the bonds in this instance have not been complied with, I am compelled to advise you that the issue should be rejected.

Respectfully,
EDWARD C. TURNER,
Attorney General.

168.

APPROVAL, BONDS OF JACKSON TOWNSHIP RURAL SCHOOL DISTRICT,
PREBLE COUNTY, OHIO—\$40,000.00.

COLUMBUS, OHIO, March 10, 1927.

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