

1713.

DISAPPROVAL, BONDS OF VILLAGE OF BEDFORD, CUYAHOGA COUNTY, \$6,000.00.

COLUMBUS, OHIO, September 4, 1924.

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

Re: Bonds of Village of Bedford, Cuyahoga County, \$6,000.00.

Gentlemen:—

I have examined the transcripts furnished this department in connection with the foregoing issues of bonds and find that I cannot approve the purchase of these bonds by you for the following reasons:

Section 3924, General Code, provides 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, setting forth the nature, amount, rate of interest, and length of time the bonds have to run, with the time and place of sale.***"

The transcripts in this case show that advertisements for the sale of these bonds were made in two newspapers, and in each case the affidavit of the publisher shows that publication was made for a period of four consecutive weeks, and on the same day of the week on and after the 24th day of April, 1924, and the notice of sale provided that the bonds should be sold on May 17, 1924.

Provision of the statute for the advertisement for *four consecutive weeks* is mandatory. The bonds must necessarily be advertised for the full period of four weeks before being sold.

This question was decided in the case of State of Ohio vs. Kuhner and King, 107 O. S., 406, in which 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 a contract entered into in June 14, after advertisement in two weekly newspapers of the county on June 6 and June 13, is invalid."

It will be observed that provision is made in this statute, section 1206 G. C., that the advertisement shall be made for *two consecutive weeks* and that the court in substance held that publication in two issues providing for the letting for less than two full weeks from the date of the first publication was illegal.

The same rule must necessarily apply in this case in view of the fact that these bonds were sold in less than four weeks from the date of the first advertisement as required under the provisions of section 3924 G. C.

You are therefore advised not to purchase these issues of bonds.

Respectfully,

C. C. CRABBE,

Attorney General.