

1641.

DISAPPROVAL, BONDS OF VILLAGE OF BYESVILLE, GUERNSEY COUNTY, \$7,914.80.

COLUMBUS, OHIO, July 29, 1924.

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

Re: Bonds of Village of Byesville, Guernsey County, \$7,914.80.

Gentlemen:—

I have examined the transcript furnished this department in connection with the foregoing issue of bonds and find that I cannot approve the same for the following reasons:

These bonds are issued under section 3914, General Code, for the property owners' portion of street improvements.

Transcript shows that the property owners were served with notice of the improvements to be made as provided in the proceedings had by the council of the village as follows:

"I———, Clerk of the Village of Byesville, Guernsey County, Ohio, do hereby certify that all property owners were served according to law of the passing of the resolution of necessity and a return of same was made as in civil actions, except the following property owners, whose names appear on the following notice.

(Signed)

Clerk."

Following this certificate the transcript contains copy of notice served, and then designates that service was made on the Pennsylvania Railroad Company, the Ohio Service Company, the Glass Factory and a number of individuals, and to this notice is attached the following certificate:

"I———, Clerk of Byesville Corporation, do hereby certify that a copy of the above notice was published in five separate places in the Village of Byesville, designated by ordinance, to-wit:

One at the Mayors office, one at the corner of Main Street and Second Street, one at the corner of Sixth Street and Main Street, one at the corner of Seneca Street and Second Street, one at the corner of Watson Avenue and Second Street.

(Signed)

Clerk."

Section 3518, General Code, provides as follows:

"A notice of the passage of such resolution shall be served by the clerk of council, or an assistant, upon the owner of each piece of property to be assessed, in the manner provided by law for the service of summons in civil actions. If any such owners or persons are not residents of the county, or if it appears by the return in any case of the notice, that such owner cannot be found, the notice shall be published at least twice in a newspaper of general circulation within the corporation. * * *."

The foregoing service by publication was not in accordance with the provisions of the statute.

In view of the decision of the court in the case of Toledo vs. McMahon, 9 G. C. 194, together with the fact that these bonds are general obligations of the municipality, the same will probably be paid when due, and the payment thereof may be enforced, but nevertheless, there is such failure of statutory requirement in the issuance of these bonds that I cannot approve the proceedings, and therefore advise that the bonds be rejected by you.

Respectfully,
 C. C. CRABBE,
Attorney General.

1642.

APPROVAL, BONDS OF NILE TOWNSHIP RURAL SCHOOL DISTRICT, SCIOTO COUNTY, \$3,000.00, TO CONSTRUCT AND IMPROVE FIRE PROOF SCHOOL BUILDING.

COLUMBUS, OHIO, July 29, 1924.

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

1643.

APPROVAL, BONDS OF VILLAGE OF ROCKY RIVER, CUYAHOGA COUNTY, \$5,000.00, TO BUILD STORM, WATER AND SANITARY SEWERS.

COLUMBUS, OHIO, July 29, 1924.

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