

3770.

APPROVAL, BONDS OF HOWLAND TOWNSHIP RURAL SCHOOL DISTRICT, TRUMBULL COUNTY, \$8,700.00.

COLUMBUS, OHIO, October 28, 1926.

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

3771.

DISAPPROVAL, BONDS OF PUTNAM COUNTY, \$44,527.96.

COLUMBUS, OHIO, October 28, 1926.

Re: Bonds of Putnam County, \$44,527.96.

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

GENTLEMEN:—An examination of the transcript for the foregoing issue of bonds discloses that the bonds are being issued under the provisions of section 1223 of the General Code.

The affidavits of the publishers recite that the bonds have been advertised for sale for three consecutive weeks, beginning October 8, 1926, and giving notice of the sale on October 25, 1926, the latter date being seventeen days after the first publication.

In the Opinions of the Attorney General for 1920, page 595, the following is found:

“The offering at public sale of bonds authorized by section 1223 of the General Code is governed by section 2294 of the General Code.”

Section 2294 of the General Code provides that the bonds 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, etc.

In the case of *State of Ohio vs. Kuhner and King*, 107 O. S., 406, the following opinion was rendered by the Supreme Court of Ohio.

“The requirement of section 1206, General Code, that ‘the state highway commissioner shall advertise for bids for two consecutive weeks’ is mandatory, and the contract entered on June 14 for advertisement in two weekly newspapers of the county on June 6th and June 13th is invalid.”

It is true that there is a slight difference in the language of sections 1206 and 2294 of the General Code, but until the Supreme Court has distinguished these sections, I shall feel it necessary to follow the rule in the case of *Kuhner and King*, *supra*, which is to the effect that the legislature intended the publication for a full period of time as designated by the statute.

You are therefore advised that these bonds have not been advertised for sale and sold in accordance with the requirements of section 2294 of the General Code, and for that reason you are advised not to accept the bonds.

Respectfully,

C. C. CRABBE,
Attorney General.