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## DISAPPROVAL, BONDS OF RANDOLPH TOWNSHIP RURAL SCHOOL DISTRICT, PORTAGE COUNTY, \$50,000.00.

COLUMBUS, OHIO, July 29, 1924.

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

Re: Bonds of Randolph Township Rural School District, Portage County, \$50,000.00.

Gentlemen:—

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

Section 2294, General Code, provides as follows:

“All bonds issued by boards of county commissioners, boards of education, township trustees, or commissioners of free turnpikes, 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, in a newspaper having general circulation in the county where the bonds are issued, and, if the amount of bonds to be sold exceeds twenty thousand dollars, like publications shall be made in an additional newspaper having general circulation in the state.”

The transcript in this case shows that advertisement for the sale of these bonds was made in two newspapers, one of which carried the advertisement on June 18th and 25th; also on July 2, 1924; the other on June 19th, 26th and July 3rd, 1924, and each gave notice that said bonds would be sold on July 5th, 1924.

Provision of the statute for this advertisement for *three consecutive weeks* is mandatory, and the bonds must necessarily be advertised for the full period of three 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 on June 14, after advertisement in two weekly newspapers of the county on June 6, and June 13, is invalid.”

It will be observed that the 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 the publication in two issues providing for a letting in 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 said bonds were sold in less than three weeks from the date of the first advertisement under section 2294 G. C., which provides for advertisement for three *consecutive weeks*.

You are therefore advised to reject this issue of bonds.

Respectfully,  
C. C. CRABBE,  
*Attorney General.*