

his child or children to travel a greater distance than one-half mile in order to meet the school transportation vehicle.

It will also be noted that the provisions for the payment of the amounts set up in the schedule in said section for the transportation of a child or children, are in lieu of furnishing such transportation by a school conveyance or a school bus, and does not contemplate the payment of such sums in addition to transportation that may be furnished.

A careful reading and analysis of the sections of the General Code above quoted clearly indicate that the boards of education of your county are exceeding their authority in attempting such an arrangement as you have outlined, and I am, therefore, of the opinion that the three questions you present should each be answered in the negative.

Respectfully,

C. C. CRABBE,

*Attorney-General.*

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2275.

APPROVAL, FINAL RESOLUTIONS, ROAD IMPROVEMENTS IN INNOBLE,  
TRUMBULL AND BROWN COUNTIES.

COLUMBUS, OHIO, March 11, 1925.

*Department of Highways and Public Works, Division of Highways, Columbus, Ohio.*

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2276.

DISAPPROVAL, BONDS OF WAYNESBURG VILLAGE, STARK COUNTY,  
\$10,000.00.

COLUMBUS, OHIO, March 11, 1925.

Re: Bonds of Waynesburg Village, Stark County, \$10,000.00.

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

GENTLEMEN:—An examination of the transcript of the foregoing issue of bonds discloses that these bonds are being issued under the provisions of section 3942, General Code of Ohio, and are being issued for the purpose of improving and extending the waterworks system of the village.

As shown by the affidavits of the publishers, these bonds have been advertised for sale as follows:

One publisher printed the notice of the sale of the bonds on January 15, 22, 29 and on February 5, 1925, giving notice that the bonds were sold on the 9th day of February, 1925. The other publication gave notice of the sale on February 9, 1925, and the affidavit shows that the publications were made for four weeks, beginning on January 18, 1925.

Section 3924 G. C. provides in part as follows:

“Sale of bonds other than to the trustees of the sinking fund of the city

and 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, \* \* \*."

The Supreme Court of Ohio, in the case of State of Ohio vs. Kuhner and King, 107 O. S., page 406, in construing a similar statute held:

"The requirement of section 1296, 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."

In view of the above decision and construction of this statute, I am compelled to advise that these bonds have not been sold as contemplated by section 3924 G. C., and therefore advise you not to accept said bonds.

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

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2277.

DISAPPROVAL, BONDS OF CITY OF NELSONVILLE, ATHENS COUNTY,  
\$13,182.50.

COLUMBUS, OHIO, March 11, 1925.

Re: Bonds of City of Nelsonville, Athens County, \$13,182.50.

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

GENTLEMEN:—An examination of the transcript presented covering the above issue of bonds discloses that council of the city passed a bond ordinance under the provisions of section 3924 G. C. for the city's portion and the property owners' portion of the cost of the improvement in the aggregate sum of \$13,047.50.

Following the passage of the ordinance for the foregoing amount, the officers of the city then advertised a sale of bonds in the sum of \$13,182.50.

Upon inquiry concerning the foregoing discrepancy in the amount of the bonds, I am advised that the actual cost of the improvement is represented by the greater amount.

The officers of the city now propose to correct the amount by amended bond ordinance subsequent to the advertisement and sale of the bonds.

As the amounts of the bonds as advertised for sale have been at variance with the amounts determined in the bond ordinance providing for the issue, I fear that this creates a condition that cannot be remedied by subsequent legislation after the advertisement and sale of the bonds.

It is my opinion that the bonds must be sold in the amount as provided in the bond ordinance at the time of the advertisement, in accordance with the requirement of section 3924 G. C., and proceedings for an increase in the amount of the issue must be had prior to the advertisement of sale.

It is therefore my conclusion that this discrepancy in the amount of the bonds as