

The proceedings leading up to the above issue of bonds were begun, as shown by the transcript, on February 2, 1926, the date of the passage of the resolution declaring the necessity of the improvement and providing for the assessment of the front foot of the whole cost of the improvement less one-fiftieth thereof and the cost of intersections against the lots and lands abutting upon the improvement. The ordinance determining to proceed was passed on March 30, 1926.

Section 26 of the General Code provides as follows:

“Whenever a statute is repealed or amended, such repeal or amendment shall in no manner affect pending actions, prosecutions, or proceedings, civil or criminal, and when the repeal or amendment relates to the remedy, it shall not affect pending actions, prosecutions, or proceedings, unless so expressed, nor shall any repeal or amendment affect causes of such action, prosecution, or proceeding, existing at the time of such amendment or repeal, unless otherwise expressly provided in the amending or repealing act.”

It has been held on a number of occasions by the courts that a proceeding for the improvement of a street is pending after the resolution of necessity has been passed and notice given to the property owners, (*Cincinnati vs. Davis*, 58 O. S. 225), or after the preliminary resolution has been passed (*Toledo vs. Marlow*, 8 O. C. C. (N. S.) 121, affirmed without report, 75 O. S. 574).

Prior to the passage of The Uniform Bond Act, and specifically Section 2293-28 above referred to, Section 3924, General Code, which was repealed by the Uniform Bond Act, provided that sales of bonds must be published for four consecutive weeks in two newspapers printed and of general circulation in the county where the municipal corporation issuing the bonds was situated.

In view of the fact that the proceedings leading up to the issuance of the bonds in question were started in 1926, and hence were pending at the time of the passage and going into effect of The Uniform Bond Act, said proceedings should have been concluded in accordance with the provisions of law in effect at the time the same were started. Hence, the publication of the bond sale advertisement in one newspaper for three consecutive weeks is, in my opinion, insufficient and the sale of the bonds pursuant to such advertisement is invalid.

For the foregoing reasons, I am compelled to advise you not to purchase the above issue of bonds.

Respectfully,  
EDWARD C. TURNER,  
*Attorney General.*

2564.

APPROVAL, CONTRACT BETWEEN THE STATE OF OHIO AND ILIFF BROS., CEDARVILLE, OHIO, FOR RECONSTRUCTION OF EMBANKMENTS, GUILFORD LAKE STATE PARK, COLUMBIANA COUNTY, OHIO, AT AN EXPENDITURE OF \$14,382.68—SURETY BOND EXECUTED BY THE FIDELITY AND DEPOSIT COMPANY OF MARYLAND.

COLUMBUS, OHIO, September 12, 1928.

HON. RICHARD T. WISDA, *Superintendent of Public Works, Columbus, Ohio.*

DEAR SIR:—You have submitted for my approval a contract between the State of Ohio, acting by the Department of Public Works, and Iliff Bros., of Cedarville, Ohio.

This contract covers the construction and completion of Reconstructing Embankments, Guilford Lake State Park, Hanover Township, Columbiana County, Ohio, and calls for an expenditure of Fourteen thousand three hundred eighty-two and 68/100ths dollars (\$14,382.68).

You have submitted the certificate of the Director of Finance to the effect that there are unencumbered balances legally appropriated in a sum sufficient to cover the obligations of the contract. You have also furnished evidence to the effect that the consent and approval of the Controlling Board to the expenditure has been obtained as required by Section 12 of House Bill No. 502 of the 87th General Assembly. In addition you have submitted a contract bond, upon which the Fidelity and Deposit Company of Maryland appears as surety, sufficient to cover the amount of the contract.

You have further submitted evidence indicating that plans were properly prepared and approved, notice to bidders was properly given, bids tabulated as required by law and the contract duly awarded. Also it appears that the laws relating to the status of surety companies and the workmen's compensation have been complied with.

Finding said contract and bond in proper legal form, I have this day noted my approval thereon and return the same herewith to you, together with all other data submitted in this connection.

Respectfully,

EDWARD C. TURNER,

*Attorney General.*

2565.

APPROVAL, CONTRACT BETWEEN STATE OF OHIO AND THE ELECTRIC CONSTRUCTION AND MAINTENANCE COMPANY, COLUMBUS, OHIO, FOR ELECTRICAL WORK FOR "REMODEL AND COMPLETE OLD CHEMISTRY BUILDING FOR LIBERAL ARTS BUILDING," OHIO STATE UNIVERSITY, COLUMBUS, OHIO, AT AN EXPENDITURE OF \$9,950.00—SURETY BOND EXECUTED BY THE GLOBE INDEMNITY COMPANY.

COLUMBUS, OHIO, September 12, 1928.

HON. RICHARD T. WISDA, *Superintendent of Public Works, Columbus, Ohio.*

DEAR SIR:—You have submitted for my approval a contract between the State of Ohio, acting by the Department of Public Works, for The Board of Trustees of the Ohio State University, and The Electric Construction and Maintenance Company, of Columbus, Ohio. This contract covers the construction and completion of Electrical Contract for "Remodel and Complete Old Chemistry Building for Liberal Arts Building", Ohio State University, Columbus, Ohio, and calls for an expenditure of Nine thousand nine hundred and fifty dollars (\$9,950.00).

You have submitted the certificate of the Director of Finance to the effect that there are unencumbered balances legally appropriated in a sum sufficient to cover the obligations of the contract. You have also furnished evidence to the effect that the consent and approval of the Controlling Board to the expenditure has been obtained as required by Section 12 of House Bill No. 902 of the 87th General Assembly. In addition you have submitted a contract bond, upon which the Globe Indemnity Company appears as surety, sufficient to cover the amount of the contract.

You have further submitted evidence indicating that plans were properly prepared and approved, notice to bidders was properly given, bids tabulated as required by law