

“When, from counting the assembly on a division, it appears there is not a quorum present, there is no decision, but the matter in question continues in the same state in which it was before the division.”

Many other authorities might also be cited holding that a deliberative assembly or any board or committee must at all times have physically present enough members to constitute a quorum in order to lawfully transact business. When, in a regularly convened meeting of a board of education, a bare quorum is present, and one member leaves the meeting, the number then present is reduced below the number necessary to constitute a quorum and the meeting must adjourn.

Fourth. A special meeting of a board of education should be called, in the manner provided by Section 4751, General Code, which reads as follows:

“A special meeting of a board of education may be called by the president or clerk thereof or by any two members, by serving a written notice of the time and place of such meeting upon each member of the board either personally or at his residence or usual place of business. Such notice must be signed by the official or members calling the meeting.”

Respectfully,

GILBERT BETTMAN,

Attorney General.

857.

DISAPPROVAL, BONDS OF CITY OF RAVENNA, PORTAGE COUNTY—
\$32,973.74.

COLUMBUS, OHIO, September 12, 1929.

Re: Bonds of city of Ravenna, Portage County, Ohio, \$32,973.74.
Industrial Commission of Ohio, Columbus, Ohio.

GENTLEMEN:—An examination of the transcript relative to the above bonds purchased by your commission discloses that the ordinance authorizing these bonds was passed by the council July 1, 1929. These bonds mature serially on September 1 of each year beginning September 1, 1931. Section 2293-12, General Code, provides in part as follows:

“ * * * If issued with semi-annual maturities the first installment shall mature not earlier than the first day of March next following the 15th day of July next following the passage of the ordinance or resolution authorizing the issue of such bonds as provided in Section 2293-26 of the General Code; and if issued with annual maturities, the first installment shall mature not earlier than the first day of the second September next following said 15th day of July. In either case the first installment shall mature not later than eleven months after said earliest possible date of maturity.”

It is obvious that under the provisions of this section the resolution authorizing these bonds having been passed July 1, 1929, the date of earliest maturity may not be earlier than September 1, 1930, nor later than August 1, 1931. These bonds were advertised pursuant to the provisions of Section 2293-28, General Code, which adver-

tisement set forth the maturity dates and the date of the resolution authorizing their issue. This advertisement accordingly showed on its face a non-compliance with the provisions of Section 2293-12, *supra*. Pursuant to such advertisement, bonds were awarded to the parties from whom you are purchasing them.

While it is true that this bond resolution could be amended, changing the maturity dates to comply with the provisions of the section of the law above cited, I am of the opinion that after such amendment, the bonds should be advertised pursuant to the provisions of Section 2293-28. This section provides that the advertisement shall state how long the bonds are to run and accordingly the maturities should be set out. I am of the opinion that the matter of the maturity dates of a bond issue is a material matter. It is required to be advertised as above pointed out. It may be contended that a notice advertising bonds maturing on a certain date is no more authority for the delivery of bonds maturing on a different date than would be an advertisement of \$10,000 bonds, for instance, be authority for the sale and delivery of \$20,000 bonds without advertisement having been published as to this latter amount. In the event the maturities of an issue are changed after advertisement, there should be a republication of the notice provided in Section 2293-28, General Code.

In view of the foregoing, I am compelled to advise you not to purchase these bonds.

Respectfully,
GILBERT BETTMAN,
Attorney General.

858.

DISAPPROVAL, BONDS OF MONTGOMERY COUNTY, OHIO—\$38,000.00.

COLUMBUS, OHIO, September 12, 1929.

Re: Bonds of Montgomery County, Ohio—\$38,000.00.

Industrial Commission of Ohio, Columbus, Ohio.

GENTLEMEN:—An examination of the transcript relative to the above bonds purchased by your commission discloses that this purchase is made up of three separate issues, viz., \$10,500.00, alley improvement 6% bonds, \$13,000.00, Hillview avenue 6% bonds, and \$14,500.00, Coronette avenue 5½% bonds. Proceedings for all of these improvements were instituted since the effective date of the Uniform Bond Act.

The alley improvement bonds are issued in anticipation of the collection of assessments for two improvements. The transcript relative to these bonds discloses that the bond resolution was passed July 10, 1928, amended July 2, 1929, and again amended July 24, 1929. As finally amended, the bond resolution provides that these bonds shall mature serially on September 1 of each year, beginning September 1, 1931. Section 2293-12, General Code, provides in part as follows:

“ * * * * If issued with semi-annual maturities the first installment shall mature not earlier than the first day of March next following the 15th day of July next following the passage of the ordinance or resolution authorizing the issue of such bonds as provided in Section 2293-26 of the General Code; and if issued with annual maturities, the first installment shall mature not earlier than the first day of the second September next following