

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.

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

provided for in the bond ordinance and the amount of bonds sold cannot now be corrected by subsequent legislation, and that it will be necessary for these bonds to be readvertised in accordance with the ordinance providing for the proper amount.

You are therefore advised not to purchase these bonds as issued and sold under the proceedings as shown by the transcript.

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

2278.

DISAPPROVAL, BONDS OF CITY OF NELSONVILLE, ATHENS COUNTY.
\$4,658.80.

COLUMBUS, OHIO, March 11, 1925.

Re: Bonds of City of Nelsonville, Athens County, \$4,658.80.

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 \$4,545.80.

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 \$4,658.80.

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 provided for in the bond ordinance and the amount of bonds sold cannot now be corrected by subsequent legislation, and that it will be necessary for these bonds to be readvertised in accordance with the ordinance providing for the proper amount.

You are therefore advised not to purchase these bonds as issued and sold under the proceedings as shown by the transcript.

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