

"In answer to your letter of yesterday, permit me to advise you that there is but one newspaper printed and published in this municipality, and we feel that the publication in that paper complies with G. C. 4228.

Please see 91 O. S. 354, Elmwood Place versus Shanzie, in which case our Supreme Court held: 'Publication of Municipal Ordinance in the only newspaper of general circulation published in the municipality constitutes a compliance with G. C. 4228 et seq'."

The question at issue in the case above cited was upon the publication of the ordinance providing for the issuance of bonds and not upon the question as to the publication of the notice of the sale of the bonds.

Section 4228 G. C. provides:

"Unless otherwise specifically directed by statute, all municipal ordinances, resolutions, statements, orders, proclamations, notices and reports, required by law or ordinance to be published, shall be published as follows: In two English newspapers of opposite politics printed and of general circulation in such municipality, if there be such newspapers; if two English newspapers of opposite politics are not printed and of general circulation in such municipality, then in one such political newspaper and one other English newspaper printed and of general circulation therein; if no English newspaper is printed and of general circulation in such municipality, then in any English newspaper of general circulation therein or by posting as provided in section forty-two hundred thirty-two of the General Code; at the option of council. Proof of the place of printing and required circulation of any newspaper used as a medium of publication hereunder shall be made by affidavit of the proprietor of either of such newspapers, and shall be filed with the clerk of council."

It will be noted that this statute starts out with the expression, "Unless otherwise specifically directed by statute."

Section 3924 of the General Code specially provides that the notice of the sale of municipal bonds shall be published in two newspapers of general circulation in the municipality.

It is therefore apparent that section 3924 G. C. cannot be read into or made any part of the provisions of section 4228 G. C. The requirements of section 3924 G. C. are mandatory and failure to comply with the provisions thereof will constitute such failure of statutory requirements that it will be necessary to hold that publication of notices in other form than that prescribed by this section will not constitute a legal and valid sale of the bonds. For this reason, you are advised not to accept said bonds.

Respectfully,

C. C. CRABBE,
Attorney General.

3762.

APPROVAL, BONDS OF VILLAGE OF SEBRING, MAHONING COUNTY,
\$19,300.00.

COLUMBUS, OHIO, October 27, 1926.

Department of Industrial Relations; Industrial Commission of Ohio, Columbus, Ohio.