

3763.

DISAPPROVAL, BONDS OF VILLAGE OF LOVELAND, CLERMONT COUNTY, \$3,000.00.

COLUMBUS, OHIO, October 27, 1926.

Re: Bonds of Village of Loveland, Clermont County, \$3,000.00.

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

GENTLEMEN:—An examination of the transcript submitted in connection with the foregoing issue of bonds discloses that the notice of the sale of the bonds has been published in but one newspaper. In response to correspondence had with the officers of the village concerning the publication of this notice, the clerk of the village recites:

"While it is true G. C. 3924 mentions two papers of general circulation, etc., in the county, yet 4228 a later section, of the statute, which was amended effective as late as August 15, 1921, specifies 'notices' as well as ordinances.

The construction given to this statute by the Supreme Court is to the effect that where there is but one paper published in a municipality, it is sufficient to publish the notice in that.

We have never had this objection raised before that I know of, and it would seem to us that in view of the fact that there is but one paper published here and the publication made is the only one that would have been of any benefit to the sale of the bonds, and the construction already given to 4228, that the publication made should be sufficient."

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 specifically 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.

3764.

APPROVAL, BONDS OF SHAWNEE RURAL SCHOOL DISTRICT, ALLEN COUNTY, \$120,000.00.

COLUMBUS, OHIO, October 27, 1926.

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

3765.

APPROVAL, BONDS OF CITY OF LIMA, ALLEN COUNTY, \$254,512.94.

COLUMBUS, OHIO, October 27, 1926.

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

3766.

APPROVAL, CONTRACT BETWEEN STATE OF OHIO AND THE HUFFMAN-WOLFE COMPANY, COLUMBUS, OHIO, COVERING HEATING AND PLUMBING CONTRACT FOR FIELD HOUSE FOR WOMEN ON OHIO STATE UNIVERSITY CAMPUS, COLUMBUS, OHIO, AT EXPENDITURE OF \$5,963.00—SURETY BOND EXECUTED BY JAS. E. EISENHART AND ROY WOLFE.

COLUMBUS, OHIO, October 28, 1926.

HON. G. F. SCHLESINGER, *Director of Highways and Public Works, Columbus, Ohio.*

DEAR SIR:—You have submitted for my approval a contract between the State of Ohio, acting by the Department of Highways and Public Works for and on behalf of the Board of Trustees of Ohio State University, and The Huffman-Wolfe Company, of Columbus, Ohio. This contract covers the heating and plumbing contract for the field house for women on the campus of the Ohio State University, Columbus, Ohio, and calls for an expenditure of \$5,963.00.