

issued under authority of section 3914 G. C. in anticipation of the collection of assessments for street improvement purposes. The notice of the passage of the resolution of necessity was served on July 9, 1921, upon owners of property who could be found. Notice of the passage of such resolution to owners of property who could not be found was published on November 9th and November 16, 1921. The ordinance to proceed with the improvement was passed June 27, 1921. In view of the provisions of sections 3823 and 3824 G. C. council of the village of Newcomerstown was without authority to pass an ordinance to proceed with the improvement of said streets until after the expiration of two weeks following the service of such notice or the completion of the publication thereof. As the passage of an ordinance authorizing the issuance of bonds was dependent upon the prior passage of a proper ordinance to proceed, it follows that the village council was without authority to authorize the issuance of bonds at the date of the passage of the bond ordinance.

I am therefore of the opinion that said bonds are not valid and binding obligations of the village and advise the commission to decline to purchase the same.

Respectfully,
 JOHN G. PRICE,
Attorney-General.

2770.

DISAPPROVAL, BONDS OF CITY OF HAMILTON, OHIO, IN AMOUNT OF
 \$24,498.22 FOR STREET IMPROVEMENTS.

COLUMBUS, OHIO, December 31, 1921.

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

Re: Bonds of the city of Hamilton in the amount of \$24,498.22 in anticipation of the collection of assessments for the improvement of portions of Mill road, Dayton street, Bond avenue, Hudson avenue, Kolbenstetter avenue and Fairgrove avenue, by constructing sewers therein.

GENTLEMEN:—The transcript of proceedings relative to the above bond issue submitted for my examination discloses that the bonds under consideration were issued under authority of section 3914 G. C. in anticipation of the collection of special assessments for the improvement of the streets above named by the construction therein of sewers. The notice of the passage of the resolution of necessity which was served by publication upon certain owners of property to be assessed was published September 24th and October 1, 1921. The ordinance to proceed with the improvement was passed October 1, 1921. Under authority of section 3823 G. C. owners of property to be assessed for such improvements are given two weeks from the completion of the publication of such notice to file claims for damages. Section 3824 provides:

“At the expiration of the time limited for so filing claims for damages, the council shall determine whether it will proceed with the proposed improvement or not, and whether the claims for damages so filed

shall be judicially inquired into, as hereinafter provided, before commencing, or after the completion of the proposed improvements."

By the language of the section just quoted council was without authority to pass the ordinance to proceed until the expiration of two weeks following the completion of the publication of the notice of the passage of said resolution of necessity, and as the bond resolution was dependent for its validity upon the prior passage of a proper ordinance to proceed, it follows that council of the city of Hamilton was without authority on October 19, 1921, to pass an ordinance authorizing the issuance of said bonds.

I am therefore of the opinion that the bonds under consideration are not valid obligations of the city of Hamilton and advise that you decline to accept the same.

The transcript is incomplete in other particulars, but in view of the defect referred to above, it would be useless to call for the additional necessary information.

Respectfully,
JOHN G. PRICE,
Attorney-General.

2771.

APPROVAL, BONDS OF SUMMIT COUNTY, OHIO, IN AMOUNT OF \$35,000
FOR SEWER CONSTRUCTION.

COLUMBUS, OHIO, December 31, 1921.

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

2772.

APPROVAL, BONDS OF SUMMIT COUNTY, OHIO, IN AMOUNT OF \$40,000
FOR SEWER IMPROVEMENTS.

COLUMBUS, OHIO, December 31, 1921.

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