

"The publication required in section forty-two hundred and twenty-eight of the General Code, shall be for the following times: Ordinances, resolutions and proclamations of elections, once a week for two consecutive weeks; * * *"

Section 3818, General Code, provides:

"A notice of the passage of such resolution shall be served by the clerk of council, or an assistant, upon the owner of each piece of property to be assessed, in the manner provided by law for the service of summons in civil actions. If any such owners or persons are not residents of the county, or if it appears by the return in any case of the notice, that such owner can not be found, the notice shall be published at least twice in a newspaper of general circulation within the corporation. Whether by service or publication, such notice shall be completed at least twenty days before the improvement is made or the assessment levied, and the return of the officer or person serving the notice, or a certified copy of the return shall be prima facie evidence of the service of the notice as herein required."

It is therefore observed that there has been failure in the proceedings in this case to the extent of publication of the declaratory resolution, and also in the manner of service on the property owners to be assessed. On account of the failure of statutory compliance in this respect, I am compelled to disapprove the issue of bonds, and you are advised not to purchase the same.

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

2684.

DISAPPROVAL, BONDS OF CITY OF WELLSVILLE, COLUMBIANA
COUNTY, \$23,616.52.

COLUMBUS, OHIO, July 29, 1925.

Re: Bonds of City of Wellsville, Columbiana County, \$23,616.52.

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

GENTLEMEN:—An examination of the transcript for the foregoing issue of bonds discloses that the bonds are to be issued under the provisions of section 3916, General Code, and are to provide for the refunding of \$2,303.00 due under a contract for gas consumed between October 1, 1922, and December 31, 1923; \$7,988.52 for electric current consumed between October 1, 1922 and December 31, 1923, and \$13,325.00 due to The Peoples' National Bank for money borrowed November 13, 1923.

The transcript further recites that the amount of \$13,325.00 due The Peoples' National Bank represents deficiencies of the service department, and that certificates of indebtedness for the same have been renewed from time to time.

Section 3916, General Code, provides for the issuance of bonds for the purpose of extending the time of payment of any indebtedness created or incurred before the first day of January, 1924. As the debt described in the transcript has been created or incurred before the first day of January, 1924, the issue might be passed in that respect, however, section 3913, General Code, provides as follows:

"In anticipation of the collection of current revenues in and for any fiscal year (excepting taxes and assessments to be received for the payment of interest or principal of bonds, notes or other indebtedness), such corporations may borrow money and issue certificates of indebtedness therefor, signed as municipal bonds are signed, but no loans shall be made to exceed the amount estimated to be actually received from such taxes and other current revenues for such fiscal year, after deducting all advances. Such corporation may borrow money and issue certificates of indebtedness in anticipation of the collection of taxes and assessments to be received during the fiscal year for the payment of interest or principal of bonds issued previous to January 1, 1922. The proceeds of any such certificates shall be used only for the purpose for which the anticipated revenues, taxes or assessments were raised, collected or appropriated. The sums so anticipated shall be deemed appropriated for the payment of such certificates at maturity. The certificates shall not run for a longer period than six months, nor bear a greater rate of interest than six per cent and shall not be sold for less than par with accrued interest."

It is therefore observed that provision is made for the payment of such certificates of indebtedness as are contemplated by the provisions of this section from the current revenues, taxes or assessments against which the certificates are issued, and that the sums of money anticipated for this purpose shall be deemed appropriated for such certificates to pay same at maturity.

To carry out the provisions of this law as contemplated the certificates of indebtedness held by the bank should have been paid from the taxes, and for the reason that no further method is made for paying such certificates of indebtedness, and especially for the reason that I know of no statutory authority providing for the issuance of notes to take up certificates of indebtedness that have not been paid, I am compelled to disapprove that part of the issue that is being made for the purpose of paying past due certificates of indebtedness. You are therefor advised that these bonds as issued will not constitute valid and legal obligations of the city of Wellsville, and you are advised not to accept said bonds.

Respectfully,

C. C. CRABBE,

Attorney General.

2685.

APPROVAL, BONDS OF VILLAGE OF GROVE CITY, FRANKLIN COUNTY, \$9,965.30.

COLUMBUS, OHIO, July 30, 1925.

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