

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, setting forth the nature, amount, rate of interest, and length of time the bonds have to run, with the time and place of sale."

The officials of the city advise that the newspaper carrying the advertisement giving notice of the sale of the bonds, is the only one printed in the county.

Statutes cannot require the performance of vain or impossible things and cannot defeat the rights of individuals, or the public, by making such requirements. In such event, the full performance of all that can possibly be done under any statute, would be such compliance as would be demanded.

However, this statute reads:

" * * * two newspapers printed and of general circulation in the county where such municipal corporation is situated."

It might be said that the requirement of publication in a newspaper of general circulation in the county in which the municipality is situated, can be complied with by having such publication in any newspaper having such general circulation, whether the same is printed in the county or elsewhere, so long as it complied as to general circulation.

I can find no decision of the court determining this specific question, but the courts have repeatedly held for a strict compliance of mandatory statutes in the legislation for bond issues, and this would necessarily require compliance with the statute in every respect in which the same can be done, and in this case, a publication in a newspaper of general circulation in the county, although not printed therein.

On account of this construction being the probable one, under the circumstances of this case, I am compelled to disapprove the issue, and advise you not to purchase said bonds.

Respectfully,

C. C. CRABBE,
Attorney General.

2613.

DISAPPROVAL, BONDS OF VILLAGE OF ST. CLAIRSVILLE, BELMONT COUNTY, \$5,000.00.

COLUMBUS, OHIO, June 26, 1925.

Re: Bonds of Village of St. Clairsville, Belmont County, \$5,000.00.

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

GENTLEMEN:—I have examined the transcript for the foregoing issue of bonds and find that the same contains two affidavits of the publishers giving notice of the sale of the bonds. One of the affidavits is to the effect that the notice was published in said newspaper for four consecutive weeks, the first publication being on

Thursday, the 2nd of October, 1924. The publications gave notice of the sale of the bonds on October 24, 1924.

Section 3924, General Code, provides in part as follows:

"Sales of bonds, other than to the trustees of the sinking fund of the city or 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 court in construing a similar statute held that such publication should be for the full period of time as is specified in the statute, and that the provisions of the statute are mandatory in that respect. In construing this law in the case of state of Ohio vs. Kuhner and King, 107 O. S., page 406, the court at page 415 says:

"In our opinion the word 'for' has some significance as used in this statute, and applying the dictionary meaning thereof, which seems to us clearly indicated by the context as that most likely meeting the intent of the legislature, such advertisement is required 'during the continuance of' or 'throughout' the period of time."

In applying the decision of the court to the provisions of section 3924, General Code, supra, it must be held that any failure to advertise bonds for sale for the full period of time, to-wit, twenty-eight days, will be fatal to the legality of the sale of said bonds.

You are therefore advised that these bonds have not been advertised and sold in accordance with statutory provision, and you are therefore advised not to accept said bonds.

Respectfully,
C. C. CRABBE,
Attorney General.

2614.

APPROVAL, BONDS OF VILLAGE OF JEWETT, HARRISON COUNTY,
\$16,362.00.

COLUMBUS, OHIO, June 26, 1925.

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