

General Assembly, and the benefit of such legislation may inure to the benefit of a mayor and marshal then in office, for the remaining portion of their terms.”

However, as regards mayors who have assumed office since the effective date of House Bill No. 99, a different conclusion must necessarily be reached. The compensation of such mayors upon assuming office is fixed by council, which council is presumed to enact its legislation with full knowledge of the then existing law. By the terms of Section 4219, supra, the compensation fixed by council at the time such mayor assumed office may not lawfully be increased or diminished during the term for which such mayor has been elected or appointed. An ordinance such as presented by your inquiry would in no wise be legislation providing means of compensation for such mayor to take the place of compensation by way of fees, which was caused to fail by reason of the amendment of the law so as to come within the ruling made in Opinion 1645, supra. Such an ordinance would constitute an increase in the compensation theretofore fixed by council for such office and would clearly be illegal.

In view of the foregoing and by way of specific answer to your inquiry, it is my opinion that a village council is without authority to enact an ordinance attempting to provide for an increase of compensation for a mayor who assumed office subsequent to July 25, 1927, the effective date of House Bill No. 99, which ordinance purports to provide compensation, in the way of a fixed sum and not dependent on conviction, for the trial of each ordinance case and such compensation to be paid in addition to the salary fixed by such council for such office. Such a mayor is without lawful authority to receive such compensation so provided.

Respectfully,
EDWARD C. TURNER,
Attorney General.

2555.

DISAPPROVAL, BONDS OF THE VILLAGE OF WADSWORTH, MEDINA COUNTY, OHIO—\$18,500.00.

COLUMBUS, OHIO, September 7, 1928.

Re: Bonds of the Village of Wadsworth, Medina County, Ohio, \$18,500.00.

Industrial Commission of Ohio, Columbus, Ohio.

GENTLEMEN:—Upon an examination of the transcript relative to the above bond issue, which is, in fact, two issues, one in the sum of \$8,500.00 in anticipation of the collection of special assessments to pay the property owners' portion of the cost of improving East Walnut Street, and the other in the sum of \$10,000.00 to pay the cost of improving and extending the waterworks plant and lines.

In connection with the \$8,500.00 issue, I note that said bonds were advertised for sale on the basis of bearing interest at the rate of 5½% per annum. No provision was made in the advertisement for submitting bids based on a rate of interest other than that specified in the advertisement, as provided in Section 2293-28, General Code. However, it appears from the transcript that the bonds were awarded to the highest

bidder on the basis of bearing interest at the rate of 5% per annum. This department has held in a number of prior opinions that unless the advertisement of sale of the bonds contains a provision for bidding at a rate of interest other than specified in the advertisement, no bids, except those based upon the interest rate as specified in the advertisement, may be considered.

For the foregoing reasons, I am of the opinion that there is grave doubt as to the legality of the sale of the \$8,500.00 issue, and I am therefore compelled to advise you not to purchase said bonds.

However, I desire to call your attention to Section 2293-37, General Code, which provides :

“Any bonds reciting that they are issued pursuant to this law, complying on their face with the provisions thereof, issued for a lawful purpose within the limitations prescribed by law, and for which the fiscal officer of the subdivision shall have been paid in full, shall in any action or proceeding involving their validity be conclusively deemed to have been issued, sold, executed and delivered in conformity herewith and with all of the provisions of statutes applicable thereto and shall be incontestible unless such action or proceeding is begun prior to the delivery of such bonds.”

The provisions of the above section are broad, and I am inclined to the opinion that if the bonds themselves should be offered to you showing on their face that they comply with The Uniform Bond Act, and are issued for a lawful purpose, are accompanied by a financial statement showing that the net indebtedness limitations have not been exceeded, accompanied by a receipt of the fiscal officer of the subdivision that they have been paid for in full, and further accompanied by a litigation certificate to the effect that there are no actions pending or threatened attacking the validity of said bonds, you may safely purchase the same.

Respectfully,
EDWARD C. TURNER,
Attorney General

2556.

APPROVAL, BONDS OF HURON COUNTY, OHIO—\$43,304.21.

COLUMBUS, OHIO, September 7, 1928.

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