

1791.

DISAPPROVAL, BONDS OF TRUMBULL TOWNSHIP RURAL SCHOOL DISTRICT, ASHTABULA COUNTY, \$1,117.55.

COLUMBUS, OHIO, September 24, 1924.

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

Re: Bonds of Trumbull Township Rural School District, Ashtabula County, \$1,117.55.

Gentlemen:—

I have examined the transcript for the foregoing issue of bonds and find that I cannot approve the same for the reasons herein set forth.

The proof of publication submitted with the transcript shows that the bonds were advertised for public sale, and were to be sold on the 21st day of August, 1924. It also contains affidavit that the advertisement was carried for three consecutive weeks, commencing on the 16th day of July, 1924.

Section 2294 G. C. provides as follows:

“All bonds issued by boards of county commissioners, boards of education, township trustees, or commissioners of free turnpikes, shall be sold to the highest bidder after being advertised once a week for three consecutive weeks and on the same day of the week, in a newspaper having general circulation in the county * * *.”

In the case of State of Ohio vs. Kuhner and King, 107 O. S., page 406, it was held:

“The requirement of section 1206, General Code, that ‘the state highway commissioner shall advertise for bids for two consecutive weeks’ is mandatory, and the contract entered on June 14 for advertisement in two weekly newspapers of the county on June 6th and June 13th is invalid.”

The same reasoning must necessarily apply to the provisions of section 2294 G. C., as these bonds have not been advertised for three consecutive weeks. The interpretation as given by the courts that bonds must be advertised for three consecutive weeks will make these bonds invalid.

You are therefore advised that these bonds do not constitute legal and valid obligations of the school district, and you are therefore advised not to purchase the same.

Respectfully,

C. C. CRABBE,

Attorney-General.