

2173.

DISAPPROVAL, BONDS OF CITY OF EAST PALESTINE, COLUMBIANA COUNTY. \$17,635.67.

COLUMBUS, OHIO, January 20, 1925.

Re: Bonds, City of E. Palestine, Columbiana County, \$17,635.67.

RETIREMENT BOARD, *State Teachers Retirement System, Columbus, Ohio.*

GENTLEMEN:—The transcript submitted in connection with this issue of bonds contains only meager information from which to determine the legality of proceedings of the council of the city in the issuance of these bonds.

However, the affidavit of the publisher of one newspaper is to the effect that the notice of the sale of the bonds was published for four consecutive weeks prior to Oct. 4th, 1924, and the attached copy of the notice recites that the bonds were advertised for sale on September 12, 16, and 26th and October 2d.

Section 3924 G. C. provides that "municipal bonds shall be sold 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."

In the case of State of Ohio vs. Kuhner and King, 107-O. S., page 406, the court held that a statute providing for advertisement for two consecutive weeks is mandatory, and the contract entered into after two publications before the two full weeks had elapsed is invalid. In the Opinion of the court in this case, the following is found:

"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 meaning the intent of the Legislature, such advertisement is required 'during the continuance of' or 'throughout' the period."

As only one advertisement is shown in the transcript and as it is insufficient as to time, I am compelled to hold that these bonds have not been legally sold, without determining whether or not the same have been legally issued.

You are, therefore, advised not to purchase this issue of bonds.

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

2174.

DISAPPROVAL, BONDS OF VILLAGE OF BEXLEY, FRANKLIN COUNTY, \$9,000.000.

COLUMBUS, OHIO, January 19, 1925.

Re: Bonds—Village of Bexley, Franklin County, \$9,000.00.

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

GENTLEMEN:—I have examined the transcript submitted to this department in

connection with the foregoing issue of bonds, and after examination of the same have requested the following information:

"Furnish proof of passage and publication of the assessing ordinance; furnish affidavit of the publisher, giving notice of the assessments against abutting property owners, as required by Section 3895 G. C., furnish certificate of County Auditor that the assessments have been certified to him and placed on the tax duplicate and in process of publication to meet maturing bonds and interest; and, furnish affidavit of publishers and copies of the notices of bond sale as published."

Following this request for the foregoing information I am now in receipt of a communication of the brokers from whom these bonds were purchased, stating that the information requested cannot be furnished.

It is, therefore, concluded that such information is not available to the brokers and in view of this situation I cannot approve the issue as valid and legal obligations of the village and cannot advise that said bonds will be paid at maturity. You are, therefore, accordingly advised not to purchase said bonds.

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

2175.

DISAPPROVAL, BONDS OF VILLAGE OF FAIRFIELD, GREENE COUNTY,
\$4,000.00.

COLUMBUS, OHIO, January 26, 1925.

Re: Bonds, Village of Fairfield, Greene County—\$4,000.00, payable \$200.00 semi-annually of each year from March 15, 1926 to Sept. 15, 1935, both inclusive. $5\frac{1}{2}\%$.

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

GENTLEMEN:—I have examined the transcript submitted to this department for the above issue of bonds.

The certificate of the Clerk of the village discloses that the tax valuation of the village amounts to \$381,250.00.

These bonds are to be issued under the provisions of Section 3939 G. C. "for the purpose of providing a fund for the purchase of real estate with buildings thereon to be used for public purposes and to improve the same."

Section 5940 G. C. provides as follows:

"Such bonds may be issued for any or all of such purposes, but the total indebtedness incurred in any one fiscal year by the council of a municipal corporation under the authority conferred in the preceding section shall not exceed one-half of one percent of the total value of the property in such municipal corporation as listed and assessed for taxation."

The total amount of bonds that could be issued under the provisions of 3939 G. C., based on the tax valuation as submitted in this transcript, would be \$1,906.25.

It is, therefore, apparent that the officials shall have exceeded this limitation in the