

1863.

## DISAPPROVAL, BONDS OF VILLAGE OF COLDWATER, MERCER COUNTY, \$12,000.00.

COLUMBUS, OHIO, October 22, 1924.

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

Re: Bonds of Coldwater, Mercer County, \$12,000.00.

Gentlemen:—

Upon examination of the transcript submitted to this department in connection with the foregoing issue of bonds, I find that these bonds were advertised for sale in two newspapers on September 12th, 19th, 26th and October 3rd and in each case notice of the sale was given on October 6th, 1924.

Section 3924, General Code, provides that sales of bonds 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, etc.

The Supreme Court of Ohio in the case of State of Ohio vs. Kuhner and King, 107 O. S., 406, 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."

Applying the same interpretation as given by the Supreme Court in this case and section 3924 G. C., which contains the same language with respect to the *consecutive weeks*, it must necessarily be held that municipal bonds which have been sold in any time less than four full weeks from the date of the first publication must necessarily be construed as in violation of the provisions of this statute.

As I cannot approve any bond issue in which there has not been compliance with the statutes providing for the issuance of bonds, I must necessarily in this case disapprove said issue, and advise that said bonds be rejected by you.

Respectfully,

C. C. CRABBE,

*Attorney General.*