

sion requires, may issue and sell bonds, under the restrictions and bearing a rate of interest specified in sections seventy-six hundred and twenty-six and seventy-six hundred and twenty-seven. The board shall pay such bonds and the interest thereon when due, but provided that no greater amount of bonds be issued in any year than would equal the aggregate of a tax at the rate of two mills, for the year next preceding such issue. The order to issue bonds shall be made only at a regular meeting of the board and by a vote of two-thirds of its full membership, taken by yeas and nays and entered upon its journal."

The transcript in this instance shows the tax valuation of the district to be \$1,420,890.00, and the maximum amount of bonds to be issued in any one year under the provisions of the foregoing section to be \$2,840.00. It is probably true that the proceedings of the board of education might be amended in order to take care of the maximum amount that may be issued at this time, but in view of the fact that this will require a change of maturities, and that the advertisement as published would not be in correct form as to the exact amount to be issued, I am therefore of the opinion that the issue must be disapproved, and proper proceedings should be taken for the issuance of the bonds in the amount permitted under the statute.

You are therefore advised not to purchase these bonds as offered for sale.

Respectfully,

C. C. CRABBE,

*Attorney General.*

1806.

DISAPPROVAL, BONDS OF LOSTCREEK TOWNSHIP RURAL SCHOOL DISTRICT, MIAMI COUNTY, \$12,600.00.

COLUMBUS, OHIO, September 29, 1924.

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

Re: Bonds of Lostcreek Township Rural School District, Miami County, \$12,600.00.

Gentlemen:—

I have examined the transcript submitted to this department in connection with the foregoing issue of bonds and find that the board of education of this school district is endeavoring to issue these bonds under the provisions of House Bill No. 599.

The bond resolution as passed by the board of education on May 19, 1924, provided first that the bonds should be dated February 1, 1924. I find no provision of the General Code which authorizes a board of education to issue bonds bearing date prior to the date of the passage of the legislation authorizing their issuance. In fact, there are no provisions under House Bill No. 599 relative to the dating of the bonds to be issued thereunder. It cannot, however, be assumed that the mere absence of any provision will authorize a board of education to issue bonds which shall bear date prior to that authorizing the act.

In the Opinions of the Attorney General, 1921, Volume 1, page 168, bonds were disapproved for this reason, and it has been the policy of this department to refuse to approve the issuance of bonds bearing a date prior to the passage of the resolution providing for the same.

For this reason the issue of bonds is disapproved, and you are advised not to purchase the same.

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

1807.

DISAPPROVAL, BONDS OF VILLAGE OF NEW LONDON, HURON COUNTY, \$42,000.00.

COLUMBUS, OHIO, September 29, 1924.

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

Re: Bonds of Village of New London, Huron County, \$42,000.00.

Gentlemen:—

I have examined the transcript submitted in connection with the foregoing issue of bonds and find that I cannot approve the same for the following reasons:

I find that the issue is made by the counsel of the village in the sum of \$56,000.00, and the bonds were advertised for sale on November 23rd, 30th, December 7th, 14th, 1916, and the advertisement for sale provided that the bonds were to be sold on December 18th, 1916.

Section 3924 G. C. provides that sales of bonds shall be to the highest and best bidder, after advertising notices thereof for four consecutive weeks in two newspapers printed, and of general circulation where such municipal corporation is situated.

It is therefore observed that in this instance these bonds were sold in twenty-five days after the first advertisement, and before the expiration of four consecutive weeks.

Section 3924 G. C. in its present form was amended in 106 O. L., page 493, and was therefore in force at the time of the publication of notices of this issue of bonds.

In the case of State of Ohio vs. Kuhner and King, 107 O. S., page 406, the court held as follows:

“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 rule, which must necessarily be done, in this case, these bonds have not been given legal advertisement as required by law. It is true that the bonds were purchased and delivered to the treasurer soon after this notice of