

(1) The hearing upon objections to the improvement was held February 4, 1920. The notice of such hearing as shown by the proof of publication attached recites that the notice was published for two consecutive weeks in the Bryan Press, viz., January 22d and January 29th.

Section 6912 G. C. provides that such notice shall be published "once a week for two consecutive weeks." I am of the opinion that this language requires the notice to be published for two full weeks or fourteen days. See *Fenner vs. Cincinnati*, 8 O. N. P., 340, affirmed by the supreme court of Ohio on October 15, 1901, in case No. 7473, without reported opinion.

(2) The transcript discloses that the date for hearing objections to assessments was February 20th and that notice of such hearing was published on February 12th and February 19th. Section 6922 G. C. requires that this notice be published "once a week for two consecutive weeks." For the reason set forth in the preceding paragraph I do not believe that the notice given meets the requirements of section 6922.

(3) The bond resolution provides for the issuance of bonds bearing interest at the rate of six per cent per annum. I assume that the interest rate of six per cent per annum was fixed under authority of section 6929 G. C. as amended by house bill No. 699, passed February 4, 1920, approved by the governor February 16, 1920. Prior to the amendment of this section the rate of interest upon bonds issued thereunder was limited to five per cent.

The supreme court of Ohio in the case of *State of Ohio ex rel. Frank P. Andrews vs. Zangerle, as Auditor of Cuyahoga County*, No. 16578, held that the amendment to section 6929 authorizing the issuance of bonds at the increased rate of interest did not apply to proceedings for road improvements commenced prior to the taking effect of the amendment. The transcript shows that the proceedings for the improvement under consideration were commenced prior to February 16, 1920. The county commissioners were therefore without authority to issue bonds at the rate of six per cent. in the present instance.

There are other defects in the transcript, largely due to failure to attach necessary information, but as I am of the opinion that the proceedings will have to be commenced over before bonds bearing interest at the rate of six per cent. per annum can be issued I will not at this time call attention to the matters referred to.

For the reasons stated, I am of the opinion that the bonds are not valid and binding obligations of Williams county, and advise the industrial commission not to purchase the same.

Respectfully,
JOHN G. PRICE,
Attorney-General.

1321.

DISAPPROVAL, BONDS OF WILLIAMS COUNTY, OHIO, IN AMOUNT OF \$41,500 FOR ROAD IMPROVEMENTS.

COLUMBUS, OHIO, June 8, 1920.

Industrial Commission of Ohio, Columbus, Ohio.

RE: Bonds of Williams county, in the amount of \$41,500, for the improvement of part of Inter-County Highway No. 297.

GENTLEMEN:—I have examined the transcript of the proceedings of the county commissioners relative to the above bond issue, and decline to approve the validity of said bonds for the following reason:

(1) The transcript discloses that the proceedings for this improvement were commenced prior to February 16, 1920. The bond resolution provides for the issuance of bonds bearing interest at six per cent. per annum. Prior to the amendment of section 1223 as found in house bill No. 699, passed February 4, 1920, and approved by the governor February 16, 1920, county commissioners were without authority to issue bonds bearing a rate of interest in excess of five per cent.

Following the reasoning of the supreme court of Ohio in the case of *State ex rel. Frank P. Andrews vs. Zangerle, as Auditor of Cuyahoga County* No. 16578, (recently decided by the court), I do not believe the county commissioners are authorized to issue bonds at a rate of interest in excess of five per cent. to secure funds to pay the cost and expense of state aid road improvements, the proceedings for which were commenced prior to the date upon which the amendment above referred to went into effect.

There are a number of errors in the transcript and other defects which can doubtless be corrected by a more complete transcript of the records of the county commissioners, but as it is my opinion that the county commissioners will be under the necessity of again commencing proceedings relative to this improvement, if they expect to sell bonds at a rate of interest in excess of five per cent., I will not at this time state in detail the defects and omissions referred to.

For the reason stated in paragraph one above, I am of the opinion that said bonds are not valid and binding obligations of Williams county, and advise the industrial commission not to purchase the same.

Respectfully,
JOHN G. PRICE,
Attorney-General.

1322

DISAPPROVAL, BONDS OF WILLIAMS COUNTY, OHIO, IN AMOUNT
OF \$75,000 FOR ROAD IMPROVEMENTS.

COLUMBUS, OHIO, June 8, 1920.

Industrial Commission of Ohio, Columbus, Ohio.

RE: Bonds of Williams county, in the amount of \$75,000, for the improvement of Edon-Cooney I. C. H. No. 311.

GENTLEMEN—I have examined the transcript of the proceedings of the county commissioners relative to the above bond issue, and decline to approve the validity of said bonds for the following reason:

The proceedings for this road improvement were commenced prior to February 16, 1920. The bond resolution provides for the issuance of bonds bearing interest at the rate of six per cent per annum. Following the opinion of the supreme court of Ohio in the case of *State ex rel. Frank P. Andrews vs. Zangerle, as auditor of Cuyahoga county, No. 16578* (recently decided by the court), I do not believe the county commissioners are authorized to issue bonds bearing a rate of interest in excess of five per cent per annum to pay the cost and expense of state aid road improvements, the proceedings for which were commenced prior to February 16, 1920.

There are a number of errors and defects in the transcript in addition to that referred to, but as it is my opinion that the county commissioners will have to commence proceedings anew for the road improvement under consideration, I will not at this time call attention to the errors and omissions referred to.

For the reason stated above, I am of the opinion that the bonds under consider-