

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

sale was published, but in view of the fact that the proceedings have not been legal and in conformity with the provisions of the statute, I am compelled to disapprove the same, and advise you not to purchase said bonds.

Respectfully,
C. C. CRABBE,
Attorney General.

1808.

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

COLUMBUS, OHIO, September 29, 1924.

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

Re: Bonds of Village of Fairfield, Greene County, \$4,000.00.

Gentlemen:—

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

These bonds are being issued by the council of the Village of Fairfield for the purpose of remodeling the school building in said village. The proceedings are to be under the provisions of section 3939 G. C. by the act of council of the village. The transcript contains the affidavit of one publisher giving legal notice of the sale of the bonds, and the affidavit recites that "the annexed advertisement was published for three consecutive weeks, from and after the 4th day of September, A. D. 1924," and the attached notice provided that proposals will be received at the office of the clerk until twelve o'clock noon of September 20th (?). The advertisement for the sale of these bonds should necessarily be in accordance with the provisions of section 3924 G. C., which is as follows:

"Sales of bonds other than to the trustees of the sinking fund of the city or to the board of commissioners of the sinking fund of the city or to the board of commissioners of the sinking fund of the city school district as herein authorized, 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, * * *."

It is therefore observed that this advertisement is not in accordance with the statute. Transcript is invalid in other respects. These matters, however, might be corrected by further correspondence, but in view of the failure to comply with the statutory requirements in advertising the bonds for sale I am compelled to disapprove the issue, and advise you not to purchase said bonds.

Respectfully,
C. C. CRABBE,
Attorney General.