

notices of the sale of these bonds were published in two newspapers for four consecutive weeks, beginning May 16, 1929, and May 18, 1929. These notices contain the statement that "Sealed bids will be received to be opened at twelve noon, Eastern Standard Time, Saturday, June 8, 1929." The date of sale appears accordingly to have been fixed twenty-one and twenty-three days, respectively, after the date of first publication of the notices thereof. The transcript discloses that pursuant to the above notices, bids were received and the bonds awarded to one of the bidders pursuant to the bid submitted on June 8. Section 3934, General Code, provided that publication of such notice must be had for four consecutive weeks in two newspapers printed and of general circulation in the county in which the municipal corporation is situated. I am of the opinion that the notice which purports to have been published pursuant to the provisions of Section 3924, General Code, as in force and effect prior to repeal by the 87th General Assembly, is an invalid notice in that twenty-eight days did not elapse between the first date of publication thereof and the date of sale. *State of Ohio vs. Kuhner and King*, 107 O. S. 406. Accordingly, the award of these bonds is invalid.

In view of all the foregoing, I am compelled to advise you not to purchase these bonds.

Respectfully,  
GILBERT BETTMAN,  
*Attorney General.*

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716.

APPROVAL, BONDS OF MAHONING COUNTY—\$82,195.50.

COLUMBUS, OHIO, August 7, 1929.

*Industrial Commission of Ohio, Columbus, Ohio.*

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717.

DISAPPROVAL, BONDS OF GEAUGA COUNTY—\$26,000.00.

COLUMBUS, OHIO, August 7, 1929.

Re: Bonds of Geauga County, Ohio—\$26,000.00.

GENTLEMEN:—The transcript of the proceedings relative to the above issue of bonds discloses that, after being offered to and rejected by the trustees of the sinking fund, the issue was advertised for sale for two consecutive weeks commencing April 26, 1929, pursuant to the provisions of Section 2293-28, General Code. This publication states that these bonds shall bear interest at the rate of five per cent per annum, but does not contain any statement to the effect that anyone desiring to do so may present a bid or bids for such bonds based upon bonds bearing a different rate of interest than specified, as is permitted under Section 2293-28, General Code.

Pursuant to the foregoing publication, these bonds were awarded to bear interest

at the rate of 5¼%. This office has repeatedly held that unless the notice advertising the sale of bonds published pursuant to the provisions of Section 2293-28, General Code, states that bids may be presented based upon bonds bearing a different rate of interest than specified in the advertisement, the acceptance of a bid for such bonds to bear a different rate of interest is void. See Opinion No. 341, under date of April 23, 1929; Opinion No. 93, under date of February 14, 1929.

In view of the foregoing I am compelled to advise you not to purchase these bonds.

Respectfully,

GILBERT BETTMAN,  
*Attorney General.*

718.

### INSOLVENCY COURT—PROCEDURE FOR OBTAINING JURIES IN MUNICIPAL APPROPRIATION CASES OUTLINED.

#### SYLLABUS:

*Juries in municipal appropriation cases, which cases are filed in the insolvency court of Cuyahoga County, should separately be secured in each proceeding by the judge thereof issuing an order to the clerk of the Common Pleas Court to draw from the jury wheel the names of twelve persons to serve as jurors in the particular proceeding, and the names after being drawn from the wheel by the clerk, in the presence of the sheriff, should be certified to the insolvency court, which is authorized to issue a venire facias to the sheriff of the county, commanding him to summon the persons whose names were so secured to attend as jurors in the insolvency court at the time and place stated in the order.*

COLUMBUS, OHIO, August 8, 1929.

HON. RAY T. MILLER, *Prosecuting Attorney, Cleveland, Ohio.*

DEAR SIR:—I am in receipt of your letter of recent date enclosing copy of letter addressed to you by Hon. Harry L. Eastman, judge of the Insolvency Court of Cuyahoga County. Judge Eastman's letter is in part as follows:

"We shall be greatly obliged if you will kindly secure from the Attorney General an opinion on the following question: 'Can the Common Pleas Court summon jurors for service in Insolvency Court pursuant to Section 11419, G. C., or must Insolvency Court summon their own jurors as provided in Section 11426, G. C.?'"

It is the practice of this court to secure jurors for service in appropriation cases, in which a municipal corporation is plaintiff, in the following manner: This court makes an order on the clerk of the Common Pleas Court directing him to draw, in the presence of the sheriff, a certain number of names to serve as jurors in a particular case. The list of names is certified back to this court by the clerk of the Common Pleas Court. This court then issues a venire facias to the sheriff commanding the sheriff to summon the persons whose names were so secured, to appear on a day named in the venire.

This procedure requires an average of four days for each case and often results in a loss of time by the court. To illustrate: A case may be set for trial on the 29th day of April. A jury has been previously ordered. Counsel