

tisement set forth the maturity dates and the date of the resolution authorizing their issue. This advertisement accordingly showed on its face a non-compliance with the provisions of Section 2293-12, *supra*. Pursuant to such advertisement, bonds were awarded to the parties from whom you are purchasing them.

While it is true that this bond resolution could be amended, changing the maturity dates to comply with the provisions of the section of the law above cited, I am of the opinion that after such amendment, the bonds should be advertised pursuant to the provisions of Section 2293-28. This section provides that the advertisement shall state how long the bonds are to run and accordingly the maturities should be set out. I am of the opinion that the matter of the maturity dates of a bond issue is a material matter. It is required to be advertised as above pointed out. It may be contended that a notice advertising bonds maturing on a certain date is no more authority for the delivery of bonds maturing on a different date than would be an advertisement of \$10,000 bonds, for instance, be authority for the sale and delivery of \$20,000 bonds without advertisement having been published as to this latter amount. In the event the maturities of an issue are changed after advertisement, there should be a republication of the notice provided in Section 2293-28, General Code.

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

Respectfully,
GILBERT BETTMAN,
Attorney General.

858.

DISAPPROVAL, BONDS OF MONTGOMERY COUNTY, OHIO—\$38,000.00.

COLUMBUS, OHIO, September 12, 1929.

Re: Bonds of Montgomery County, Ohio—\$38,000.00.

Industrial Commission of Ohio, Columbus, Ohio.

GENTLEMEN:—An examination of the transcript relative to the above bonds purchased by your commission discloses that this purchase is made up of three separate issues, viz., \$10,500.00, alley improvement 6% bonds, \$13,000.00, Hillview avenue 6% bonds, and \$14,500.00, Coronette avenue 5½% bonds. Proceedings for all of these improvements were instituted since the effective date of the Uniform Bond Act.

The alley improvement bonds are issued in anticipation of the collection of assessments for two improvements. The transcript relative to these bonds discloses that the bond resolution was passed July 10, 1928, amended July 2, 1929, and again amended July 24, 1929. As finally amended, the bond resolution provides that these bonds shall mature serially on September 1 of each year, beginning September 1, 1931. Section 2293-12, General Code, provides in part as follows:

“ * * * * If issued with semi-annual maturities the first installment shall mature not earlier than the first day of March next following the 15th day of July next following the passage of the ordinance or resolution authorizing the issue of such bonds as provided in Section 2293-26 of the General Code; and if issued with annual maturities, the first installment shall mature not earlier than the first day of the second September next following

said 15th day of July. In either case the first installment shall mature not later than eleven months after said earliest possible date of maturity."

It is obvious that under the provisions of this section the resolution authorizing these bonds having been passed July 10, 1928, the date of earliest maturity may not be earlier than September 1, 1929, nor later than August 1, 1930. These bonds were advertised pursuant to the provisions of Section 2293-28, General Code, which advertisement set forth the maturity dates and the date of the resolution authorizing their issue. This advertisement accordingly showed on its face a non-compliance with the provisions of Section 2293-12, *supra*. Pursuant to such advertisement bonds were awarded to the parties from whom you are purchasing them.

Considering next the issue of \$13,000, Hillview avenue bonds, the same situation as hereinabove commented upon with respect to the alley improvement bonds appears to exist. The bond resolution was passed August 10, 1928, and amended July 24, 1929. The date of first maturity is fixed as September 15, 1931. Under the provisions of Section 2293-12, *supra*, the date of earliest maturity of this issue should be not earlier than September 1, 1930, nor later than August 1, 1931.

The Coronette avenue bonds were similarly authorized on August 10, 1928, and the date of first maturity is fixed as September 15, 1931.

While it is true that these bond resolutions could be amended, changing the maturity dates to comply with the provisions of the section of the law above cited, I am of the opinion that after such amendments, the bonds should be advertised pursuant to the provisions of Section 2293-28. This section provides that the advertisement shall state how long the bonds are to run and accordingly the maturities should be set out. I am of the opinion that the matter of the maturity dates of a bond issue is a material matter. It is required to be advertised as above pointed out. It may be contended that a notice advertising bonds maturing on a certain date is no more authority for the delivery of bonds maturing on a different date than would be an advertisement of \$10,000 bonds, for instance, be authority for the sale and delivery of \$20,000 bonds without advertisement having been published as to this latter amount. In the event the maturities of an issue are changed after advertisement, there should be a re-publication of the notice provided in Section 2293-28, General Code.

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

Respectfully,

GILBERT BETTMAN,

Attorney General.

859.

APPROVAL, ABSTRACT OF TITLE TO LAND OF SARAH E. TULLER IN
THE CITY OF COLUMBUS, FRANKLIN COUNTY.

COLUMBUS, OHIO, September 12, 1929.

HON. CARL E. STEEB, *Business Manager, Board of Trustees, Ohio State University, Columbus, Ohio.*

DEAR SIR:—There has been submitted for my examination and approval a corrected abstract of title and a warranty deed relating to the proposed purchase of a certain lot and parcel of land in the city of Columbus, Franklin County, Ohio, which is more particularly described as being Lot No. 13 of Burton's Subdivision of the north half of the south half of Lot No. 278 of R. P. Woodruff's Agricultural College-