

2212.

## DISAPPROVAL, BONDS OF CITY OF MARTINS FERRY, \$12,500.00.

COLUMBUS, OHIO, February 9, 1925.

Re: Bonds, City of Martins Ferry, \$12,500.

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

GENTLEMEN:—Examination of the transcript submitted in connection with the foregoing issue of bonds shows that these bonds have been advertised for sale for four consecutive weeks in the Daily Times, a newspaper published in the City of Martins Ferry.

A letter accompanying the transcript recites that the Daily Times is the only newspaper published in the City of Martin's Ferry, and that these bonds have been advertised in but the one newspaper.

Section 3924, G. C., provides in part as follows:

“Sales of bonds, other than to the trustees of a sinking fund of a city or to the board of commissioners of the sinking fund of city school district as here'n 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, etc.”

As observed by the reading of this statute, it is apparent that these bonds have not been advertised for sale as provided by statute and in view of the failure of statutory compliance I am compelled to advise that the bonds have not been legally sold, and you are therefore advised not to accept said bonds.

Very respectfully,  
C. C. CRABBE,  
*Attorney-General.*

2213.

DISAPPROVAL, BONDS OF HOPEDALE VILLAGE SCHOOL DISTRICT,  
\$21,000.00.

COLUMBUS, OHIO, February 9, 1925.

Re: Bonds, Hopedale Village School Dist., \$21,000.00.

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

GENTLEMEN:—An examination of the transcript submitted in connection with the foregoing issue of bonds discloses that these bonds have been advertised for sale in two newspapers, the publication in each case being on January 1st, 8th, and 15th, 1925, and gave notice of the sale of the bonds on January 16, 1925.

Section 2294, G. C., provides that all bonds issued by boards of county commissioners, boards of education, township trustees, or commissioners of free turnpikes,

shall be sold to the highest bidder after being advertised once a week for three consecutive weeks and on the same day of the week, etc.

In the case of State of Ohio vs. Kuhner and King, 107 O. S., page 406, the courts construe a similar statute to require publication for the full period of three weeks and in the opinion of the court it was stated that the word *for* had significance to mean "for the period of" or "throughout the time."

It is therefore apparent that publication of the sale of bonds for any period of time less than the period of three weeks as mentioned therein will be insufficient and in so construing this section of the statute it will have to be held that these bonds have not been legally sold, and you are therefore advised not to purchase said bonds.

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

. 2214.

APPROVAL, CONTRACT BETWEEN STATE OF OHIO AND J. H. MYERS PLUMBING AND HEATING COMPANY, OF MT. VERNON, OHIO, FOR CONSTRUCTION AND COMPLETION OF PLUMBING AND HEATING IN "REMODELING OF FOUR COTTAGES" (HOCKING, MUSKINGUM, SCIOTO AND CUYAHOGA) FOR BOYS' INDUSTRIAL SCHOOL, LANCASTER, OHIO, AT COST OF \$12,811.00. SURETY BOND EXECUTED BY THE STANDARD ACCIDENT AND INSURANCE COMPANY.

COLUMBUS, OHIO, February 10, 1925.

HON. L. A. BOULAY, *Director, Department of Highways and Public Works, Columbus, Ohio.*

DEAR SIR:—You have submitted for my approval a contract between the State of Ohio, acting by the Department of Highways and Public Works, and the J. H. Myers Plumbing and Heating Company, of Mt. Vernon, Ohio. This contract covers the construction and completion of plumbing and heating in "Remodeling of Four Cottages" (Hocking, Muskingum, Scioto and Cuyahoga), for Boys' Industrial School, Lancaster, Ohio, and calls for an expenditure of \$12,811.00.

You have submitted the certificate of the Director of Finance to the effect that there are unencumbered balances legally appropriated in a sum sufficient to cover the obligations of the contract. There has further been submitted a contract bond upon which the Standard Accident and Insurance Company appears as surety, sufficient to cover the amount of the contract.

You have further submitted evidence indicating that plans were properly prepared and approved, notice to bidders was properly given, bids tabulated as required by law and the contract duly awarded. Also it appears that the laws relating to the status of surety companies and the workmen's compensation have been complied with.

Finding said contract and bond in proper legal form, I have this day noted my approval thereon and return the same herewith to you, together with all other data submitted in this connection.

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