

1052.

DISAPPROVAL, BONDS OF VILLAGE OF NEW BLOOMINGTON,
MARION COUNTY, \$2,500.00.

COLUMBUS, OHIO, December 29, 1923.

Re: Bonds of Village of New Bloomington, Marion County, \$2,500.00.

Department of Industrial Relations, Industrial Commission of Ohio, Columbus, Ohio.

GENTLEMEN:—I have examined the transcript furnished this department in connection with the foregoing issue and find that I cannot approve the purchase of these bonds for the following reasons:

1. The declaratory resolution passed by council calling for the submission of the question of the issuing of bonds to the electors, for the purposes set forth therein was not given the three readings as required by section 4224 G. C.

It is true that in the case of *Railway Company v. Norwalk*, 22 C. C. (N. S.), 590, publication of a declaratory resolution was declared not to be required on the ground that the proper publication was made in the notice for the election but I am unable to find any authority to avoid the passage of this resolution by giving the three readings at different meetings, or by suspending the rules as provided by law for the passage of ordinances and resolutions of a general and permanent nature.

2. The transcript shows that the notice of the election was posted for thirty days prior to the holding of said election, but no publication of said notice was made as required by section 3946 G. C., which section is as follows:

“Thirty days’ notice of the election shall be given in one or more newspapers printed in the municipality once a week for four consecutive weeks prior thereto, stating the amount of bonds to be issued and the purpose for which they are to be issued, and the time and place of holding the election. If no newspaper is printed therein, the notice shall be posted in a conspicuous place and published once a week for four consecutive weeks in a newspaper of general circulation in the township or municipal corporation.”

The transcript shows other failures to comply with the statutory requirements, which might be corrected, but as the foregoing conditions will invalidate the issue, I therefore advise the Industrial Commission not to purchase these bonds.

Respectfully,

C. C. CRABBE,

Attorney-General.