

This in turn raises the question as to whether or not the method and duration of the publication of ordinances authorizing the issuance of bonds and of notices of the sale of such bonds constitutes a limitation upon the power of the municipality to incur debts for local purposes.

The legislature is undoubtedly authorized to prescribe by general laws limitations upon the debt incurring authority of municipalities. It was apparently the intent and purpose of the constitutional provision above quoted to authorize the general assembly to limit the amount of the debts which a municipal corporation may incur rather than the method of procedure to be followed in incurring such debts, and I am convinced that the mere matter of publishing ordinances authorizing the issuance of bonds and the publishing of notices of the public sale of such bonds do not constitute a limitation upon the debt incurring capacity of a municipality, but are merely regulations for the purpose of giving proper publicity to the proceedings of council, and as such are matters subject to the home rule powers of such municipalities as have by proper procedure adopted charters.

Specifically answering the two questions presented in your letter, I am of the opinion

First, that the provisions of the charter of the city referred to in your letter that "all ordinances and regulations shall be published once in one newspaper" supersede the provisions of the general law contained in section 4228 G. C., above quoted, and that a compliance by the officers of said city with the provisions of such charter in the matter of publication of ordinances and resolutions will be sufficient.

Second, that the provisions of the charter of the city referred to in your letter will also govern in the matter of publication of notices of the public sale of such bonds.

Respectfully,

JOHN G. PRICE,

Attorney-General.

1319.

APPROVAL, FINAL RESOLUTIONS FOR ROAD IMPROVEMENTS IN
FRANKLIN COUNTY, OHIO.

COLUMBUS, OHIO, June 8, 1920.

HON. A. R. TAYLOR, *State Highway Commissioner, Columbus, Ohio.*

1320.

DISAPPROVAL, BONDS OF WILLIAMS COUNTY, OHIO, IN AMOUNT OF
\$23,400 FOR ROAD IMPROVEMENTS.

COLUMBUS, OHIO, June 8, 1920

Industrial Commission of Ohio, Columbus, Ohio.

RE: Bonds of Williams county, in the amount of \$23,400, for the improvement of Tile Factory Road No. 164, in St. Joseph township.

GENTLEMEN—I have examined the transcript of the proceedings of the county commissioners relative to the above bond issue, and decline to approve the validity of said bonds for the following reasons:

(1) The hearing upon objections to the improvement was held February 4, 1920. The notice of such hearing as shown by the proof of publication attached recites that the notice was published for two consecutive weeks in the Bryan Press, viz., January 22d and January 29th.

Section 6912 G. C. provides that such notice shall be published "once a week for two consecutive weeks." I am of the opinion that this language requires the notice to be published for two full weeks or fourteen days. See *Fenner vs. Cincinnati*, 8 O. N. P., 340, affirmed by the supreme court of Ohio on October 15, 1901, in case No. 7473, without reported opinion.

(2) The transcript discloses that the date for hearing objections to assessments was February 20th and that notice of such hearing was published on February 12th and February 19th. Section 6922 G. C. requires that this notice be published "once a week for two consecutive weeks." For the reason set forth in the preceding paragraph I do not believe that the notice given meets the requirements of section 6922.

(3) The bond resolution provides for the issuance of bonds bearing interest at the rate of six per cent per annum. I assume that the interest rate of six per cent per annum was fixed under authority of section 6929 G. C. as amended by house bill No. 699, passed February 4, 1920, approved by the governor February 16, 1920. Prior to the amendment of this section the rate of interest upon bonds issued thereunder was limited to five per cent.

The supreme court of Ohio in the case of *State of Ohio ex rel. Frank P. Andrews vs. Zangerle, as Auditor of Cuyahoga County*, No. 16578, held that the amendment to section 6929 authorizing the issuance of bonds at the increased rate of interest did not apply to proceedings for road improvements commenced prior to the taking effect of the amendment. The transcript shows that the proceedings for the improvement under consideration were commenced prior to February 16, 1920. The county commissioners were therefore without authority to issue bonds at the rate of six per cent. in the present instance.

There are other defects in the transcript, largely due to failure to attach necessary information, but as I am of the opinion that the proceedings will have to be commenced over before bonds bearing interest at the rate of six per cent. per annum can be issued I will not at this time call attention to the matters referred to.

For the reasons stated, I am of the opinion that the bonds are not valid and binding obligations of Williams county, and advise the industrial commission not to purchase the same.

Respectfully,
JOHN G. PRICE,
Attorney-General.

1321.

DISAPPROVAL, BONDS OF WILLIAMS COUNTY, OHIO, IN AMOUNT OF \$41,500 FOR ROAD IMPROVEMENTS.

COLUMBUS, OHIO, June 8, 1920.

Industrial Commission of Ohio, Columbus, Ohio.

RE: Bonds of Williams county, in the amount of \$41,500, for the improvement of part of Inter-County Highway No. 297.

GENTLEMEN:—I have examined the transcript of the proceedings of the county commissioners relative to the above bond issue, and decline to approve the validity of said bonds for the following reason: