

1981.

DISAPPROVAL, BONDS OF TUSCARAWAS COUNTY, \$10,970.00.

COLUMBUS, OHIO, November 21, 1924.

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

Re: Bonds of Tuscarawas County, \$10,970.00.

Gentlemen:—

Transcript for the above bond issue has been examined and I find I am compelled to disapprove same for the following reasons:

The transcript shows that the notice of the sale of bonds was published June 26th, July 3rd, and 10th, 1924, and the published notice provided that the bonds should be sold on July 14th, 1924.

Section 2294 G. C. provides as follows:

“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, in a newspaper having general circulation in the county where the bonds are issued, and, if the amount of bonds to be sold exceeds twenty thousand dollars, like publication shall be made in an additional newspaper having general circulation in the state.”

The provision that the bonds shall be advertised for three consecutive weeks is mandatory and this statute must be construed to require at least twenty-one days from the first publication prior to the day of sale.

This conclusion is based upon the case of State of Ohio vs. Kuhner and King, 107 O. S., page 406, in which the court held:

“The requirement of Section 1206, General Code, that ‘the state highway commissioner shall advertise for bids for two consecutive weeks,’ is mandatory, and the contract entered on June 14 for advertisement in two weekly newspapers of the county on June 6th and June 13th is invalid.”

For the reasons set forth in this case under Section 2294 G. C. wherein the requirement is made for *three consecutive weeks*, it must necessarily be concluded that an advertisement for any less period of time will likewise be invalid.

For the reason that the foregoing issue of bonds has not been advertised the proper length of time, as required by this statute, I am therefore compelled to disapprove the same, and advise you not to purchase these bonds.

Respectfully,

C. C. CRABBE,
Attorney General.