

ations being made without complying with the terms of Section 2321, General Code, supra, operates as a violation of the express terms and conditions of the contract and of the law relating to the construction of public buildings, and that the auditor of state is justified in withholding payment of said sum until ordered by a court of competent jurisdiction to pay the same.

Respectfully,
EDWARD C. TURNER,
Attorney General.

318.

APPROVAL, LEASE ON OHIO CANAL LANDS.

COLUMBUS, OHIO, April 13, 1927.

Department of Highways and Public Works, Division of Public Works, Columbus, Ohio.

GENTLEMEN:—I am in receipt of your letter dated April 13, 1927, in which you enclose the following lease in triplicate, for my approval:

<i>OHIO CANAL</i>		<i>Valuation</i>
Main Street Akron Amusement Company	Land Lease	\$49,444.45

I have carefully examined said lease, find it correct as to legality and form, and am therefore returning same, with my approval endorsed thereon.

Respectfully,
EDWARD C. TURNER,
Attorney General.

319.

GAME REFUGE LEASES—5 APPROVED—1 DISAPPROVED.

COLUMBUS, OHIO, April 13, 1927.

Department of Agriculture, Division of Fish and Game, Columbus, Ohio.

GENTLEMEN:—I have your letter of April 1st, 1927, in which you enclose the following Game Refuge Leases, in duplicate for my approval:

<i>No.</i>	<i>Name.</i>	<i>County.</i>	<i>Township.</i>	<i>Acres.</i>
953	H. M. Gardner,	Guernsey,	Oxford,	220
754	E. E. Anderson,	Trumbull,	Brookfield,	111
955	D. J. Lewis,	Trumbull,	Brookfield,	72
916	John P. Phillips,	Ross,	Union,	446
956	B. P. O. E. Lodge,	Trumbull,	Brookfield,	3

I have examined said leases, find them correct as to form, except Lease No. 956, and I am therefore returning the same with my approval endorsed thereon.

I am returning herewith Lease No. 956 unapproved, for correction, for the following reasons:

1. Nothing appears therein or attached thereto to indicate that the parties whose signatures appear thereon are the duly elected, qualified and acting trustees with power to enter into a lease of this nature.

2. Acknowledgment is defective in that the name of each and every trustee authorized to sign said lease should appear in the acknowledgment instead of the word "trustees."

Respectfully,
EDWARD C. TURNER,
Attorney General.

320.

DISAPPROVAL, BONDS OF BOTKINS VILLAGE SCHOOL DISTRICT,
SHELBY COUNTY, OHIO—\$3,700.00.

COLUMBUS, OHIO, April 13, 1927.

Re: Bonds of Botkins Village School District, Shelby County, \$3,700.00.

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

GENTLEMEN:—Upon examination of the transcript for the above proceeding, together with the supplemental information furnished in accordance with my letter of March 24th, I find that the notice of bond sale was published on February 9th, 16th and 23rd. The sale was held on February 25th, so that it is obvious that a full week did not elapse after the date of the last publication and before the sale.

Section 2294 of the General Code requires notice of the sale to be published once a week for three consecutive weeks and on the same day of the week.

In construing similar statutes requiring notice the Supreme Court of Ohio has ruled that a full week must elapse after the date of the last publication and before the happening of the event. In the case of State of Ohio vs. Kuhner and King, 107 O. S., 406 the court held that advertising provisions of the statute must be strictly complied with and where advertising is required for a given number of weeks there must elapse a full week between the date of the last publication and the date of the event advertised. This construction of the statute was clearly stated, and a publication for the proper number of times, but which failed to allow the last week to elapse, was held to be fatally defective.

For this reason I am compelled to advise you that the bonds should be rejected. It should be noted, however, that this merely applies to the advertisement of the bonds and does not affect their validity if proper sale is had.

Respectfully,
EDWARD C. TURNER,
Attorney General.