

Cases dealing with the point in other jurisdictions than Ohio seem to be very few in number. However, attention is called to the following:

In an early Massachusetts case *Bachelor vs. Bachelor*, 1 Mass. 256, it was held:

“An order to give notice by publication in a newspaper three weeks successively, is complied with by publishing in such paper *in* three successive weeks, although there be not an interval of a week between either the first and second, or second and third publications.”

In *Stoever's Appeal*, 3 Watts & Sergeant, 154, the Supreme Court of Pennsylvania held:

“A direction to advertise for six successive weeks is complied with, though one of the notices be published the 20th of May, and the next on the first of June.”

No doubt an impression has prevailed that when a required weekly notice is published in a daily newspaper for a given number of weeks, the insertions must be made on the same day of the week. This impression is probably due in the first place to the fact that as a rule daily newspapers for the purpose of convenience do make insertions on the same day of the week. Again, the impression may have had its origin in the fact that in the early history of the state, most, if not all, of the newspapers were weekly newspapers. These newspapers of course generally appeared on the same day of the week. Then when the legislature came to legalize advertisements in daily newspapers, it provided that the advertisement should appear on the same day of the week (see Saylor's Statutes, Vol. I, p. 752, Chap. 664); thus, in a sense, making the daily newspapers weekly newspapers for advertisement purposes. However this may be, the fact remains that section 1206 G. C. does not expressly or by implication require that the advertisement appear on the same day of the week, whether it be published either in a daily or weekly newspaper.

As a result of what has been said, the particular advertisement described in your letter is in conformity with the terms of section 1206 G. C.

Respectfully,

JOHN G. PRICE,  
*Attorney-General.*

2967.

APPROVAL, LEASE TO CITY OF CINCINNATI FOR MIAMI AND ERIE CANAL LANDS AS AUTHORIZED BY THE GENERAL ASSEMBLY OF OHIO, 103 O. L. 720, AND 105 O. L., 293, 294.

COLUMBUS, OHIO, April 5, 1922.

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

GENTLEMEN:—Referring to your communication of October 5, 1921, and subsequent correspondence regarding the preparation of a lease to the city of Cincinnati for Miami and Erie canal lands as authorized and directed by acts of the General Assembly of April 18, 1913, 103 O. L. pages 720, et seq., and of May 17, 1915, 105 O. L. pages 293 and 294.

I prepared the lease in triplicate form; and the same in that form has now been executed and attested by the Governor and Secretary of State on behalf of the state, and has been signed and acknowledged by the Mayor and Director of Public Service on behalf of the city, as well as attested by the City Auditor. I now find on final examination of the lease that it is in proper form and in conformity with the acts mentioned, and that it has been legally executed, both on behalf of the state and on behalf of the city.

Accordingly, I am transmitting to you two of the original triplicate documents, and am forwarding the remaining triplicate to the city of Cincinnati for recording and retention.

I am returning herewith for your files the report of the appraisers, and also a certified copy of a lease to the city of Cincinnati under date August 29, 1912, which copy you forwarded to me for reference.

Respectfully,  
 JOHN G. PRICE,  
*Attorney-General.*

2968.

GRISWOLD ACT (109 O. L. 336)—MUNICIPAL CORPORATIONS MAY BORROW MONEY OR ISSUE BONDS PRIOR TO JANUARY 1ST, 1924, UNDER GRISWOLD ACT—FIRST, FOR SALARIES OF MUNICIPAL OFFICERS—SECOND, FOR SALARIES OF MEMBERS OF POLICE AND FIRE DEPARTMENTS—THIRD, INSTALLMENTS ON FIRE HYDRANT AND STREET LIGHT RENTAL CONTRACTS WHEN ANY OF THE THREE ABOVE PAYMENTS ARE DUE AND UNPAID.

*Under section 3916 G. C. as amended by House Bill No. 33, 109 O. L. 336 (339) municipal corporations may borrow money or issue bonds for the payment of salaries of municipal officers due and unpaid, and salaries of members of the police and fire departments serving under civil service rules and regulations when due and unpaid, and for due and unpaid installments on fire hydrant and street light rental contracts made under favor of section 3808 of the General Code, if in each case the primary obligation is incurred prior to January 1, 1924.*

COLUMBUS, OHIO, April 6, 1922.

*Bureau of Inspection and Supervision of Public Offices, Columbus, Ohio.*

GENTLEMEN:—The bureau recently submitted to this department the following questions:

“Will you please advise us on the following:

*Question 1:* Does section 3916 G. C. suspend the operation of section 2295-7, so as to authorize the council of non-charter municipalities to borrow money to pay current expenses incurred in the years 1922 and 1923; and then to issue bonds to extend the time of payment of the indebtedness created thereby?

*Question 2:* What does the phrase ‘Current Expenses’ include? Or concretely, does the phrase ‘Current Expenses’ include payrolls of the police and fire departments; pay of elective and appointive city officials; and fire hydrant and street light rentals?”