

State of Ohio, acting by and through George F. Schlesinger, as Director of Highways and Public Works for the Department of Industrial Relations, as lessee, by the terms of which it is proposed to lease fourteen rooms in the Yuster Building, Columbus, Ohio, for the use of the Department of Industrial Relations. The term of the lease is from August 14, 1927, to December 31, 1928, and calls for an annual rental of \$7,200.00 per year. You have also submitted an encumbrance certificate, certified by the Assistant Director of Finance, to the effect that there is legally appropriated an unincumbered balance sufficient to pay the first six months' rent for the above premises in the sum of \$3,600.00.

Finding said proposed lease and encumbrance estimate in proper legal form, I hereby approve the same and am returning the same to you herewith, together with all other papers submitted in this connection.

Respectfully,
EDWARD C. TURNER,
Attorney General.

926.

DISAPPROVAL, BONDS OF BUTLER TOWNSHIP RURAL SCHOOL DISTRICT, DARKE COUNTY, OHIO—\$25,000.00.

COLUMBUS, OHIO, August 29, 1927.

Re: Bonds of Butler Township Rural School District, Darke County, Ohio,
\$25,000.00.

The Industrial Commission of Ohio, Columbus, Ohio.

GENTLEMEN:

Examination of the transcript pertaining to the above bond issue discloses that the bonds were issued pursuant to an election held on the 3d day of November, 1925. Publication of the notice of said election was had by posting of the notice of election in two conspicuous places in the school district, for a period of thirty days preceding the election, and by publication in the Greenville Advocate "for four consecutive weeks and after October 9, 1925."

Prior to its repeal in House Bill No. 1 of the 87th General Assembly, effective August 10, 1927, Section 5649-9b provided that notice of the election must be published in one or more newspapers printed, and of general circulation, in the subdivision once a week, for four consecutive weeks prior thereto, or if no newspaper of general circulation was printed in such subdivision, the notice must be posted in two conspicuous places therein at least thirty days prior to the election and published once a week, for four consecutive weeks, in one or more newspapers of general circulation in the district.

In the case of *State vs. Kuhner and King*, 107 O. S. 406, the Supreme Court held that a statutory requirement of publication of an advertisement for bids, for two weeks, meant publication for two full weeks, or fourteen days, and not publication in two weeks.

In the present instance, publication was had in four issues of the Greenville Advocate, but for a period of only twenty-four days preceding the election.

In view of the language used by the Supreme Court of Ohio, in the case above referred to, and the similarity in language between the section of the code construed in that case and Section 5649-9b, General Code, I question seriously whether publication of a notice of an election for any period less than four full weeks, or twenty-eight days, is a proper compliance with the statutory requirement.

In view of the foregoing, I am compelled to advise you not to purchase the above issue of bonds.

Respectfully,
EDWARD C. TURNER,
Attorney General.

927.

APPROVAL, CONTRACT BETWEEN THE STATE OF OHIO AND THE ELECTRIC CONSTRUCTION AND SALES COMPANY, CLEVELAND, OHIO, FOR ELECTRICAL CONTRACT FOR "COTTAGES 2 AND 3," HAWTHORNDEN FARM, CLEVELAND STATE HOSPITAL, CLEVELAND, OHIO, AT AN EXPENDITURE OF \$6,644.00—SURETY BOND EXECUTED BY THE DETROIT FIDELITY AND SURETY COMPANY.

COLUMBUS, OHIO, August 29, 1927.

HON. GEORGE F. SCHLESINGER, *Director of Highways and Public Works, Columbus, Ohio.*

DEAR SIR:—You have submitted for my approval a contract between the State of Ohio, acting by the Department of Highways and Public Works, for and on behalf of the Department of Public Welfare, and The Electric Construction and Sales Company, of Cleveland, Ohio. This contract covers the construction and completion of electrical contract for "Cottages 2 and 3," Hawthornden Farm, Cleveland State Hospital, Cleveland, Ohio, and calls for an expenditure of six thousand, six hundred and forty-four dollars (\$6,644.00).

You have submitted the certificate of the Director of Finance to the effect that there are unencumbered balances legally appropriated in a sum sufficient to cover the obligations of the contract. You have also submitted a contract bond upon which the Detroit Fidelity and Surety Company appears as surety, sufficient to cover the amount of the contract.

You have further submitted evidence indicating that plans were properly prepared and approved, notice to bidders was properly given, bids tabulated as required by law and the contract duly awarded. Also it appears that the laws relating to the status of surety companies and the workmen's compensation have been complied with.

Finding said contract and bond in proper legal form, I have this day noted my approval thereon and return the same herewith to you, together with all other data submitted in this connection.

Respectfully,
EDWARD C. TURNER,
Attorney General.