

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.*