

2309.

APPROVAL, BONDS OF VILLAGE OF SHAKER HEIGHTS, CUYAHOGA  
COUNTY, OHIO—\$73,000.00.

COLUMBUS, OHIO, September 9, 1930.

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

2310.

CENSUS—MEANING OF “LAST CENSUS”—WHEN 1930 CENSUS DEEMED  
EFFECTIVE.

*SYLLABUS:*

1. *By the term “last census”, as used in Section 4688, General Code, is meant the last federal census.*
2. *The 1930 census, in so far as it may show the population of municipalities in Ohio, is not effectual for that purpose until a proclamation is issued by the Secretary of State, in accordance with Section 3498, General Code, setting forth the population of the municipalities in Ohio, in accordance with said census.*

COLUMBUS, OHIO, September 9, 1930.

HON. G. H. BIRRELL, *Prosecuting Attorney, Warren, Ohio.*

DEAR SIR:—This will acknowledge receipt of your request for my opinion which reads as follows:

“According to the provisions of Section 4688 of the General Code, a village school district, having a population of 3,000 or more ‘according to the last census’, may be exempted from the supervision of county board of education.

The Newton Falls Consolidated School District received a certificate from the local assistant supervisor of census, Mr. Harry E. Davis, on April 29th, 1930, stating that the population of the village, according to the 1930 census, was more than 3,000. The board of education immediately passed the required legislation, and certified, prior to May 1st of the year 1930, the district desired to be exempted from the supervision of the county board of education. The census of the village was taken prior to April 29th, and had been completed and certified to by the local manager on the day above mentioned.

May the 1930 census be used as the ‘last census,’ in order to comply with the provisions of Section 4688?”

Before a village school district may become an exempted village school district it must either contain within its boundaries an incorporated village with a population of 3,000 or more, according to the last census, or have a population in the entire district of 3,000 or more, as shown by a special census taken by authority of Section 4688-1, General Code.

The provision authorizing a school district containing a village with a population of of 3,000 or more, according to the last census, to become an exempted village