

886.

BONDS—CITY OF SHAKER HEIGHTS, CUYAHOGA COUNTY,  
\$100,000.00.

COLUMBUS, OHIO, July 14, 1939.

*Retirement Board, Public Employes' Retirement System, Columbus, Ohio.*

GENTLEMEN :

RE: Bonds of the City of Shaker Heights, Cuyahoga County,  
Ohio, \$100,000.00.

I have examined two transcripts of proceedings relative to the above refunding bonds purchased by you. These bonds comprise part of two issues of bonds in the aggregate amounts of \$300,000, series J, and \$578,852.50, series K, respectively, dated July 1, 1939, and bearing interest at the rate of  $3\frac{1}{4}\%$  per annum.

From this examination, in the light of the law under authority of which the above bonds have been authorized, I am of the opinion that bonds issued under these proceedings constitute valid and legal obligations of said city.

Respectfully,

THOMAS J. HERBERT,  
*Attorney General.*

887.

CONTRACT—STATE WITH CITY OF NEWARK, PROPOSED  
IMPROVEMENT, SECTION NEWARK (PART), STATE  
HIGHWAY NO. 337, LICKING COUNTY.

COLUMBUS, OHIO, July 14, 1939.

HON. ROBERT S. BEIGHTLER, *Director of Highways, Columbus, Ohio.*

DEAR SIR: You have submitted for my approval, co-operative contract between the Director of Highways and the City of Newark, Ohio, covering the following proposed improvement:

Section Newark (Part)  
State Highway No. 337  
Licking County.

Finding said contract in proper legal form, I have endorsed my approval thereon as to form and legality and return the same herewith.

Yours very truly,

THOMAS J. HERBERT,  
*Attorney General.*

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888.

PRIMARY ELECTION—WHENEVER TOTAL NUMBER CANDIDATES, WHO FILED DECLARATION OF CANDIDACY IN ODD NUMBERED YEARS EXCEEDS TOTAL NUMBER TO BE NOMINATED BY ALL POLITICAL PARTIES, PRIMARY ELECTION CONDUCTED IN USUAL MANNER—SECTION 4785-67, G. C., DOES NOT APPLY.

*SYLLABUS:*

*Whenever the total number of candidates, taking into consideration all political parties, who have filed declarations of candidacy for offices to be voted upon at a primary election in an odd numbered year exceeds the total number of candidates to be nominated by all political parties at such primary, the provisions of sections 4785-67, General Code, do not apply and a primary election must be conducted in the usual manner.*

COLUMBUS, OHIO, July 14, 1939.

HON. NICHOLAS F. NOLAN, *Prosecuting Attorney, Montgomery County, Dayton, Ohio.*

DEAR SIR: This will acknowledge receipt of your recent request for my opinion on the following:

“A municipal primary election is to be held this August for the nomination of a Chief Justice of the Municipal Court of the City of Dayton. The Republican party have three (3) candidates for the office; the Democratic party but one (1). The Board of Elections of this county have requested that I seek an opinion from your office in answer to the following query:

In view of the amendment to Section 4785-67 of the General Code, and the facts above stated, is it necessary for said Board to have printed ballots for the Democratic party aspirant, or for the Democratic party to hold a primary election?”

Upon inquiry, I have been informed by you that the office of chief justice of the Municipal Court of Dayton is the only office to be voted