

acting through you as Director of Highways, and the Wheeling and Lake Erie Railway Company, relating to a separation of the grade at the point where Inter-county Highway No. 70 crosses the right of way of said railway company near Valley Junction Station in Tuscarawas County, Ohio.

In examining the provisions of said contract it is noted that the same contains a recital of a finding and determination by George F. Schlesinger as Director of Highways and Public Works of the State of Ohio, with respect to the necessity of said grade crossing separation project under the authority of the provisions of House Bill No. 35, 110 O. L. 231, the pertinent sections of which were carried into the General Code as Sections 6956-37 and 6956-38. These sections of the General Code were repealed by the Norton-Edwards Act which went into effect January 2, 1928.

I am advised by your department, however, that the proceedings relating to this project were initiated, and the finding and determination of the Director of Highways and Public Works made prior to the effective date of the act repealing Sections 6956-37 and 6956-38, General Code. In view of these facts, Sections 6956-37 and 6956-38, General Code, are applicable to all of the proceedings relating to this project. An examination of the contract does not disclose anything therein inconsistent with the provisions of said sections of the General Code, or otherwise in conflict with the law.

I am therefore of the opinion that said duplicate contract should be and the same is hereby approved.

Respectfully,  
EDWARD C. TURNER,  
*Attorney General.*

2433.

APPROVAL, SYNOPSIS OF PROPOSED LAW AMENDING SECTIONS OF  
THE GENERAL CODE RELATIVE TO THE ELECTION AND QUALIFI-  
CATIONS OF COUNTY OFFICERS AND TERMS OF OFFICE.

*SYLLABUS:*

*Approving synopsis of proposed law amending Section 2558 and other sections of the General Code relative to the election and qualifications of county officers and providing four year terms for such officers.*

COLUMBUS, OHIO, August 8, 1928.

MR. CHARLES H. HUBBELL, *Attorney at Law*, 630 *Engineers Bldg.*, *Cleveland, Ohio.*

DEAR SIR:—You have submitted to me under date of July 28, 1928, for my certification under the provisions of Section 5175-29e, General Code, a synopsis of a proposed law to be embodied in an initiative petition. The pertinent part of Section 5175-29e is as follows:

“Whoever proposes to file an initiative or referendum petition may submit to the attorney general a fair and impartial synopsis of such proposed law or amendment and if such synopsis is a truthful statement of the contents and purpose of such proposed law or amendment he shall so certify. Such synopsis together with the Attorney General's certification may be printed in capital letters immediately following the notice provided for in Section 5175-29f. The text of the proposed law or amendment shall be printed in full at the end of each part of the petition.”

The synopsis submitted is in the following language:

"Section 2558 of the proposed law provides that the county auditor in each county elected in November, 1928, shall hold said office for four (4) years from the second Monday in March, 1929, until the second Monday in March, 1933, and until his successor is elected and qualified; and provides that in November, 1932, and quadrennially thereafter a county auditor shall be elected in each county, who shall hold his office for four (4) years from the second Monday in March next after his election, and until his successor is elected and qualified.

Section 2632 of the proposed law provides that in November, 1930, a county treasurer shall be elected in each county; provides that the county treasurer in each county elected in November, 1930, shall hold said office for four (4) years from the first Monday in September, 1931, until the first Monday in September, 1935, excepting that, if any person elected to said office in November, 1930, shall have held said office at any time prior to the date of said election, then he shall hold his office for only two (2) years from the first Monday in September, 1931, until the first Monday in September, 1933; provides that in November, 1932, a county treasurer shall be elected in each county wherein the term of the incumbent is to expire on the first Monday in September, 1933, who shall hold his office for two (2) years from the first Monday in September, 1933, until the first Monday in September, 1935; provides that in November, 1934, and quadrennially thereafter a county treasurer shall be elected in each county, who shall hold his office for four (4) years from the first Monday in September next after his election; and provides that, after the first Monday in September, 1931, no person shall be eligible to succeed himself as county treasurer, no person shall be eligible for election to the office of county treasurer to succeed a person of the same sex, and no person shall be eligible for appointment to the office of county treasurer to succeed a person of the opposite sex.

Section 2750 of the proposed law provides that in November, 1930, a county recorder shall be elected in each county; provides that the county recorder in each county elected in November, 1930, shall hold said office for four (4) years from the first Monday in January, 1931, until the first Monday in January, 1935, and until his successor is elected and qualified; provides that in November, 1934, and quadrennially thereafter a county recorder shall be elected in each county, who shall hold his office for four (4) years from the first Monday in January next after his election and until his successor is elected and qualified; and provides that, after the first Monday in January, 1935, no person shall be eligible to succeed himself as county recorder, no person shall be eligible for election to the office of county recorder to succeed a person of the same sex, and no person shall be eligible for appointment to the office of county recorder to succeed a person of the opposite sex.

Section 2782 of the proposed law provides that the county surveyor in each county elected in November, 1928, shall hold said office for four (4) years from the first Monday in January, 1929, until the first Monday in January, 1933, and until his successor is elected and qualified; and provides that in November, 1932, and quadrennially thereafter a county surveyor shall be elected in each county, who shall hold his office for four (4) years from the first Monday in January next after his election, and until his successor is elected and qualified.

Section 2823 of the proposed law provides that in November, 1930, a coroner shall be elected in each county; provides that the coroner in each

county elected in November, 1930, shall hold said office for four (4) years from the first Monday in January, 1931, until the first Monday in January, 1935, and until his successor is elected and qualified; provides that in November, 1934, and quadrennially thereafter a coroner shall be elected in each county, who shall hold his office for four (4) years from the first Monday in January next after his election, and until his successor is elected and qualified; and provides that, after the first Monday in January, 1935, no person shall be eligible to succeed himself as coroner.

Section 2823 of the proposed law also provides that in November, 1930, a sheriff shall be elected in each county; provides that the sheriff in each county elected in November, 1930, shall hold said office for four (4) years from the first Monday in January, 1931, until the first Monday in January, 1935, excepting that, if any person elected to said office in November, 1930, shall have held said office at any time prior to the date of said election, then he shall hold his office for only two (2) years from the first Monday in January, 1931, until the first Monday in January, 1933; provides that in November, 1932, a sheriff shall be elected in each county wherein the term of the incumbent is to expire on the first Monday in January, 1933, who shall hold his office for two (2) years from the first Monday in January, 1933, until the first Monday in January, 1935; provides that in November, 1934, and quadrennially thereafter a sheriff shall be elected in each county, who shall hold his office for four (4) years from the first Monday in January next after his election; and provides that, after the first Monday in January, 1931, no person shall be eligible to succeed himself as sheriff.

Section 2867 of the proposed law provides that the clerk of the court of common pleas in each county elected in November, 1928, shall hold said office from the first Monday in August, 1929, until the first Monday in January, 1933, and until his successor is elected and qualified; provides that in November, 1932, and quadrennially thereafter a clerk of the court of common pleas shall be elected in each county, who shall hold his office for four (4) years from the first Monday in January next after his election, and until his successor is elected and qualified; and provides that, after the first Monday in January, 1933, no person shall be eligible to succeed himself as clerk of the court of common pleas, and no person shall be eligible for election to the office of clerk of the court of common pleas to succeed a person of the same sex, and no person shall be eligible for appointment to the office of clerk of the court of common pleas to succeed a person of the opposite sex.

Section 2909 of the proposed law provides that in November, 1930, a prosecuting attorney shall be elected in each county; provides that the prosecuting attorney in each county elected in November, 1930, shall hold said office for two (2) years from the first Monday in January, 1931, until the first Monday in January, 1933, and until his successor is elected and qualified; provides that in November, 1932, and quadrennially thereafter a prosecuting attorney shall be elected in each county, who shall hold his office for four (4) years from the first Monday in January next after his election, and until his successor is elected and qualified; and provides that, after the first Monday in January, 1933, no person shall be eligible to succeed himself as prosecuting attorney, and no person shall be eligible for election or appointment to the office of prosecuting attorney unless he shall have been admitted to practice as an attorney and counsellor at law in this state for a period of four (4) years immediately preceding the date of his election or appointment.

Section 2 of the proposed law provides that original Sections 2558, 2632, 2750, 2782, 2823, 2867 and 2909 of the General Code are repealed."

Subsequent to July 28, 1928, and under date of August 3, 1928, you wrote as follows:

"Before issuing your certificate in respect to the proposed initiative petition regarding county officers, please make the following changes in my synopsis and in my proposed law:

*Synopsis.*

Section 2558 of the proposed law provides that in 1930 a county auditor shall be elected in each county; provides that the county auditor in each county elected in November, 1930, shall hold said office for four (4) years from the second Monday in March, 1931, until the second Monday in March, 1935, and until his successor is elected and qualified; and provides that in November, 1934, and quadrennially thereafter a county auditor shall be elected in each county, who shall hold his office for four (4) years from the second Monday in March next after his election, and until his successor is elected and qualified.

*Proposed Law.*

Section 2558. In November, 1930, a county auditor shall be elected in each county. The county auditor in each county elected in November, 1930, shall hold said office for four (4) years from the second Monday in March, 1931, until the second Monday in March, 1935, and until his successor is elected and qualified. In November, 1934, and quadrennially thereafter a county auditor shall be elected in each county, who shall hold his office for four (4) years from the second Monday in March next after his election, and until his successor is elected and qualified."

I have carefully examined the full text of the proposed law, as changed in the above letter, and I am of the opinion that the synopsis submitted has been prepared in accordance with law.

In view of the fact that said synopsis is a truthful statement of the contents and purposes of the proposed law, I am herewith submitting, in accordance with the provisions of Section 5175-29e, General Code, my certification for use in the method provided by law, as follows:

"I, Edward C. Turner, Attorney General of the State of Ohio, do hereby certify that the foregoing is a fair and impartial synopsis and is a truthful statement of the contents and purposes of the law proposed.

Respectfully,  
EDWARD C. TURNER,  
*Attorney General.*

2434.

APPROVAL, BONDS OF THE VILLAGE OF MILLERSBURG, HOLMES  
COUNTY, OHIO—\$11,700.00.

COLUMBUS, OHIO, August 9, 1928.

*Industrial Commission of Ohio, Columbus, Ohio.*