

consideration paid for these premises, instead of the language "one dollar and other valuable consideration". With this change, it is believed the deed as submitted will be sufficient to convey a fee simple title to the State of Ohio when properly delivered.

Attention is also directed to the necessity of the proper certificate of the Director of Finance to the effect that there are unincumbered balances legally appropriated sufficient to cover the purchase price before the purchase of these premises can be consummated. This certificate should be procured and attached to the deed and abstract before same are forwarded to the state auditor.

The abstract, deed and tax receipts submitted by your department are being herewith returned.

Respectfully,
C. C. CRABBE,
Attorney General.

1597.

REGULAR ELECTION DEFINED—SECTIONS 4840 AND 4227-2 G. C. CON-
STRUED.

SYLLABUS:

The "regular election" referred to in Sections 4840 and 4227-2 of the General Code, refers to and means the same thing as the general election held in November in any year.

COLUMBUS, OHIO, July 2, 1924.

Bureau of Inspection and Supervision of Public Offices, Columbus, Ohio.

Gentlemen:—

Your recent communication reads:

"Section 4227-1 General Code provides as follows:

'Ordinance and other measures providing for the exercise of any and all powers of government granted by the constitution or now delegated or hereafter delegated to any municipal corporation, by the General Assembly, may be proposed by initiative petition. Such initiative petition must contain the signatures of not less than ten per centum of the electors of such municipal corporation.

'When there shall have been filed with the city auditor, if it be a city, or village clerk, if it be a village, a petition signed by the aforesaid required number of electors proposing an ordinance or other measure, said city auditor or village clerk shall, after ten days, certify the petition to the board of deputy state supervisors of elections of the county wherein such municipality is located. Said board shall submit such proposed ordinance or measure for the approval or rejection of the electors of such municipal corporation at the next succeeding regular or general election, in any year

occurring subsequent to forty days after the filing of such initiative petition. No ordinance or other measure proposed by initiative petition and approved by a majority of the electors voting upon the same in such municipal corporation shall be subject to the veto of the mayor.'

"Section 4227-2, General Code, provides as follows :

'Any ordinance, or other measure passed by the council of any municipal corporation shall be subject to the referendum except as hereinafter provided. No ordinance or other measure shall go into effect until thirty days after it shall have been filed with the mayor of a city or passed by the council in a village, except as hereinafter provided.

'When a petition signed by ten per cent of the electors of any municipal corporation shall have been filed with the city auditor or village clerk in such municipal corporation, within thirty days after any ordinance, or other measure shall have been filed with the mayor, or passed by the council of a village, ordering that such ordinance or measure be submitted to the electors of such a municipal corporation for their approval or rejection, such city auditor or village clerk shall, after ten days, certify the petition to the board of deputy supervisors of elections of the county wherein such municipality is situated, and said board shall cause to be submitted to the electors of such municipal corporation for their approval or rejection, such ordinance, or measure at the next succeeding regular or general election, in any year, occurring subsequent to forty days after the filing of such petition.'

'No such ordinance or measure shall go into effect until approved by the majority of those voting upon the same. Nothing in this act shall prevent a municipality after the passage of any ordinance, or other measure from proceeding at once, to give any notice, or make any publication, required by such ordinance or other measure.'

"Section 4840, General Code, provides as follows :

'Unless a statute providing for the submission of a question to the voters of a county, township, city or village, provides for the calling of a special election for that purpose, no special election shall be called. The question so to be voted upon shall be submitted at a regular election in such county, township, city or village, and notice that such question is to be voted upon shall be embodied in the proclamation for such election.'

"In view of the above provisions, may an ordinance passed by council or initiated be submitted to a vote of the electors at the August primary, or must such ordinance be submitted at the November election?"

The sole question presented by your inquiry is, what is the meaning of the phrase "succeeding regular or general election", as used in Section 4227-2, and "regular election" as used in Section 4840, General Code?

In this connection, your attention is directed to an opinion rendered by this department, found in Opinions of Attorney General for 1920, page 580. It was held in this opinion that general elections are elections held on the first Tuesday after the first Monday of November in any year. This opinion was based upon the case of *Yeatman vs. State*, 28 O. C. A., 10. This case contains a comprehensive discussion of the subject and considers the provisions of Section 4840. The Court in its opinion states :

"The term 'regular election' seems to be used in the same way and to mean the same thing as the term 'general election.'"

Based upon the foregoing discussion and citations, it is the opinion of this department that the "regular election" referred to in Sections 4840 and 4227-2 of the General Code, refers to and means the same thing as the general election held in November in any year.

Respectfully,
C. C. CRABBE,
Attorney General.

1598.

MODEL RURAL SCHOOLS—PAYMENT OF SUBSIDY UNDER SECTION
7654-7 G. C.

COLUMBUS, OHIO, July 2, 1924.

SYLLABUS:

Construing Section 7654-7 G. C., together with the provisions of the biennial appropriation act, as passed by the 85th General Assembly, such section does not authorize payment of the so-called subsidy to the several normal schools for other than model rural schools.

HON. VERNON M. RIEGEL, *Director of Education, Columbus, Ohio.*

Dear Sir:—

Yours of recent date received, in which you submit the following inquiry:

"Section 7654-7 of the General Code provides the payment of a subsidy of \$500 each per year for the maintenance of model rural schools by the state normal schools. The latter part of the section speaks of aid for schools or classes utilized in the practice teaching plan of a state normal.

The schools or classes on behalf of which we have paid a subsidy under this section in the past have always been rural. This year, however, Ohio University makes a claim for this payment toward the maintenance of schools in the city school district of Athens. We are uncertain whether in view of the fact that these are not rural, we have the right to approve them under the above section as schools on which money from this appropriation should be used. We, therefore, ask whether with due accounting for the use of the money and the approval of the plan by the Director of Education money from this fund may be used in the support of city classes which are under the co-operative direction of the state normal college."

The section of the General Code involved in your inquiry, and to which you have already made reference, is section 7654-7, General Code of Ohio, and reads as follows:

"Each of the state normal schools at Athens, Oxford, Bowling Green