

3313.

APPROVAL, ARTICLES OF INCORPORATION OF THE ACME MUTUAL
FIRE INSURANCE ASSOCIATION.

COLUMBUS, OHIO, October 16, 1934.

HON. GEORGE S. MYERS, *Secretary of State, Columbus, Ohio.*

DEAR SIR:—I have examined the articles of incorporation of The Acme Mutual Fire Insurance Association which you have submitted to me for my approval, and finding the same not to be inconsistent with the laws or Constitution of the State of Ohio or of the United States, I am herewith returning it to you with my approval endorsed thereon.

Respectfully,
JOHN W. BRICKER,
Attorney General.

3314.

APPROVAL, BONDS OF DAYTON CITY SCHOOL DISTRICT, MONT-
GOMERY COUNTY, OHIO, \$370,000.00.

COLUMBUS, OHIO, October 16, 1934.

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

3315.

DISAPPROVAL, BONDS OF CITY OF EAST LIVERPOOL, COLUMBIANA
COUNTY, OHIO, \$76,000.00.

COLUMBUS, OHIO, October 17, 1934.

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

GENTLEMEN:—Re: Bonds of City of East Liverpool, Columbiana County, Ohio, \$75,000.00.

I have examined the transcript of the proceedings relating to the above bond issue.

The minutes showing the passage of the bond ordinance, as well as the other legislation, show that it was moved and seconded "that the rules of Council and the State laws requiring an ordinance to be fully and distinctly read on three different days, be suspended and dispensed with, and that the ordinance be duly passed." There then appears the yea and nay vote, only one yea and nay vote being taken. The minutes then show that "the President thereupon declared the motion carried and the ordinance duly passed." Section 4224, General Code, provides, among other things, that "the action of council shall be by ordinance or resolution, and on the passage of each ordinance or resolution the vote shall

be taken by 'yeas' and 'nays,' etc." This section further provides that no ordinance of this nature shall be passed unless it has been fully and distinctly read on three different days, and there shall be no authority to dispense with this rule except by a three-fourths vote of all members elected thereto taken by yeas and nays, etc. In other words, this statute, which has been held to be mandatory, in substance provides that the requirement of reading on three different days be dispensed with by the required vote before such an ordinance or resolution can be passed. This statute, I think, really requires two yea and nay votes, one for the suspension of the rule in this section and one on the question of the passage of the ordinance or resolution if said rule is dispensed with. In the case of *Custakis vs. Yorkville*, 109 O. S. 184, the court said:

"The important, substantial thing is that there be a determination of three-fourths of the entire number elected, that the three readings be made on the same day and that such determination be entered on the journal before the second and third readings."

While I do not go so far as to say that three readings are necessary where the statutory rule is dispensed with, it is certainly mandatory that a determination of the required three-fourths be made before the question of the passage of the ordinance is voted upon.

For this reason, it is my advice that you do not purchase these bonds.

Respectfully,

JOHN W. BRICKER,
Attorney General.

3316.

DISAPPROVAL, BONDS VILLAGE OF PERRYSVILLE, ASHLAND COUNTY, OHIO, \$16,000.00.

COLUMBUS, OHIO, October 17, 1934.

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

GENTLEMEN:—Re: Bonds Village of Perrysville, Ashland Co., Ohio, \$16,000.00.

I have examined the transcript of the proceedings relating to the above bond issue. The question of the issuing of these bonds was voted upon by the electors at the primary election of this year, apparently under favor of Amended Sub. Senate Bill No. 38 of the first special session of the 90th General Assembly, as amended by Amended Senate Bill No. 28 of the second special session of said General Assembly, but there is nothing in the legislation pertaining to the bond issue showing that these bonds were authorized under said act. Likewise, there is nothing in the notice of election or the form of ballot which was used which would indicate that the bonds were issued under said act.

The purpose of this bond issue as voted upon by the people is set forth as being for the purpose of repairing, rebuilding, extending and adding to the water works system and facilities of the village, while the purpose set forth in the bond ordinance is for the "acquisition of land in fee or by easement for the