

"Any public library board charged by law with the title, custody, control and maintenance of a public library in the state, may issue bonds, with interest coupons attached, to provide buildings for the public library in their charge, and to furnish them, and to pay the cost and expense thereof. In anticipation of the income from such taxes levied from time to time as occasion requires, the board may issue and sell bonds, bearing interest payable semi-annually at a rate specified therein not to exceed five per cent per annum, and in such sums and at such times as the board determines, which bonds shall be numbered consecutively, made payable to the bearer, and be signed by the president and secretary of the board and denominated 'public library bonds of the _____ library' (naming the one to provide and furnish buildings for which they are issued)."

This constitutes express authority for the issuance of bonds for the construction of a library building. There is no language used which can be construed as restricting this right to the erection of a building upon land owned in fee. Considering the power therein granted, together with the authority conferred by Section 7638 of the General Code above quoted, I have no difficulty in reaching the conclusion that a library board may issue bonds under authority of Sections 4007, et seq., General Code, for the purpose of erecting a building on land not held by the board in fee simple.

I direct your attention to the fact that Section 4012 of the Code requires that the question of the issuance of bonds shall be submitted to the voters of the district at a general or special election and must be approved by a majority of the voters voting thereon. Since the enactment of Sections 5649-9a, et seq., General Code, such sections have been regarded as controlling the procedure in the submission of any bond issue to a vote of the people. In submitting the question to such a vote care should be used to see that all of the provisions of Sections 5649-9a, et seq., are fully met.

Respectfully,

EDWARD C. TURNER,
Attorney General.

196.

DISAPPROVAL, BONDS OF MARLBORO TOWNSHIP RURAL SCHOOL DISTRICT, STARK COUNTY, OHIO—\$60,000.00.

COLUMBUS, OHIO, March 16, 1927.

Re: Bonds of Marlboro Township Rural School District, Stark County, \$60,000.00.

Department of Industrial Relations, Industrial Commission of Ohio, Columbus, Ohio.

GENTLEMEN:—An examination of the transcript for the above bond issue discloses that the bond sale was advertised for three weeks, commencing on January 29, 1927. The sale occurred on February 17, 1927.

Section 2294, General Code, requires the advertising to be for three consecutive weeks. The uniform interpretation of this kind of a statute is that it requires publication for the full twenty-one days. In this instance publication was for only nineteen days.

The Supreme Court of Ohio in the case of State of Ohio vs. Kuhner and King, 107 O. S., 406, held that advertising provisions of the statute must be strictly complied with and where advertising is required for a given number of weeks there must

elapse a full week between the date of the last publication and the date of the event advertised. Since the statutory requirements have not been complied with, I am compelled to advise you not to accept these bonds.

Respectfully,
EDWARD C. TURNER,
Attorney General.

197.

SENATE BILL NO. 30—IF ENACTED INTO LAW WOULD NOT INFRINGE
ON RIGHTS OF EMPLOYERS OR EMPLOYEES—FOURTEENTH
AMENDMENT TO FEDERAL CONSTITUTION.

SYLLABUS:

Senate Bill No. 30, if enacted into law, would not infringe upon any rights guaranteed employers or employees under the Fourteenth Amendment to the Federal Constitution or under any other constitutional provision.

COLUMBUS, OHIO, March 17, 1927.

HON. CHESTER C. BOLTON, *Chairman, Rules Committee, Ohio Senate, Columbus, Ohio.*

MY DEAR SENATOR:—I acknowledge receipt of your communication of March 10th, requesting my opinion in respect of Senate Bill No. 30, Mr. Rebman, your letter reading as follows:

“Enclosed please find copy of Senate Bill No. 30, Mr. Rebman, declaring provisions in contract of employment whereby either party undertakes not to join, become or remain a member of a labor union or of any organization of employers or undertakes in such event to withdraw from the contract of employment, to be against public policy and void.

This proposed legislation has been referred to the Rules Committee of the Senate for consideration. The Committee are questioning whether the bill as drawn infringes either upon the rights guaranteed employers or employes or the rights of contract guaranteed under the constitution and would therefore appreciate an opinion from you as to the constitutionality of the proposed act.”

The title and text of Senate Bill No. 30, are as follows:

“A BILL

Declaring provisions in contracts of employment whereby either party undertakes not to join, become or remain a member of a labor union or of any organization of employers or undertakes in such event to withdraw from the contract of employment, to be against public policy and void.

Be it enacted by the General Assembly of the State of Ohio:

Section 1. Every undertaking or promise hereafter made, whether written or oral, express or implied, constituting, or contained in, any contract or agreement of hiring or employment between any individual, firm, company, association, or corporation, and any employee or prospective employee of the same, whereby (a) either party to such contract or agreement undertakes or promises not to join, become, or remain, a member of any labor organization