

Whether other ordinances or other measures in the course of the legislative measures necessary to provide for a municipal improvement need be published, in the absence of the enactment of emergency measures, is not before me and I pass no opinion thereon.

Summarizing my conclusions, I am of the opinion that ordinances and measures enacted in the course of the legislation for a municipal improvement subsequent to the resolution of necessity therefor may be passed as emergency measures under authority of Section 4227-3 of the General Code, when in the sound judgment of council such emergency exists, and such ordinances or measures so passed do not require publication.

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

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1010.

APPROVAL, BONDS OF BELLEVUE CITY SCHOOL DISTRICT, HURON  
AND SANDUSKY COUNTIES—\$290,000.00.

COLUMBUS, OHIO, September 16, 1927.

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

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1011.

COUNTY BOARD OF EDUCATION—POWER TO CREATE NEW SCHOOL  
DISTRICTS.

*SYLLABUS:*

1. *A county board of education may in its discretion create a new school district from territory lying within the territory embraced within an existing school district even though the existing school district had recently theretofore been created by combining two or more school districts or parts of districts.*

2. *In the absence of fraud, bad faith or the taking of such arbitrary, whimsical and unreasonable action as amounts to an abuse of discretion, the only limitation upon the power and discretion of a county board of education in the creation of new school districts, in addition to the fact that the territory comprising a school district must be contiguous, is the limitation contained in Section 4736, General Code, providing for a remonstrance by majority of the qualified electors residing in the territory affected by such order.*

COLUMBUS, OHIO, September 16, 1927.

HON. LESLIE S. WARD, *Prosecuting Attorney, Wauseon, Ohio.*

DEAR SIR:—This will acknowledge receipt of your communication as follows: