

"The proof by both plaintiff and defendant, shows such general knowledge by the electors, of the election, as to make of no legal consequence the failure to publish the newspaper notice required by the statute."

On October 26, 1927, the Supreme Court of Ohio overruled a motion to certify the record in the above case.

The net result of these cases is such as to leave in doubt the question of the sufficiency of the publication in the instant case. In other words, the question is one for a determination by a proper court as to whether the electors had such general knowledge of the election that failure to publish for the statutory period of four full weeks or twenty-eight days was of no legal consequence, and further that the failure to publish for the statutory period did not result in a denial to any one of his right to vote.

Section 2293-21, *supra*, also provides what the notice of election shall contain. It provides that the notice of election shall state the amount of the proposed bond issue, the purpose for which such bonds are to be issued, the maximum number of years during which such bonds shall run and the estimated average additional tax rate outside of the fifteen mill limitation, as certified by the county auditor.

The notice of election in the instant case did not state the maximum number of years during which the bond shall run or the estimated average additional tax rate outside of the fifteen mill limitation, as certified by the county auditor. The statute being plain as to what a notice of election shall contain, there is a grave doubt in my mind as to whether or not the notice in the instant case was a sufficient compliance with the statute. Until the question is presented to and decided by a proper court, I am constrained to hold that the notice of election above referred to was not a sufficient compliance with the requirements of law.

For the foregoing reasons, I am compelled to advise you not to purchase the above issue of bonds.

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

1432.

DISAPPROVAL, BONDS OF HIRAM VILLAGE SCHOOL DISTRICT,  
PORTAGE COUNTY, OHIO—\$2,000.00.

COLUMBUS, OHIO, December 23, 1927.

Re: Bonds of Hiram Village School District, Portage County, Ohio—\$2,000.00.

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

GENTLEMEN:—I have examined the transcript pertaining to the above issue of bonds and find that the notice of election was published for four weeks, beginning on October 13, 1927, which was twenty-six days before the election.

Section 2293-21, General Code, as enacted by the 87th General Assembly in House Bill No. 1, (112 O. L. 364, 373), provides that notice of the election shall be published in one or more newspapers of general circulation in the subdivision once a week for four consecutive weeks prior thereto.

In view of the decision of the Supreme Court of Ohio in the case of *State vs. Kuhner and King*, 107 O. S. 406, to the effect that a statutory requirement of advertising for bids for two consecutive weeks means throughout or during the continuance of a period of two weeks or fourteen days, I am of the opinion that publication of the notice of election for a period less than twenty-eight days is not, in the absence of a decision by a proper court to the contrary, a sufficient compliance with Section 2293-21, General Code, above referred to.

Section 2293-21, General Code, also requires the notice of election to state the amount of the proposed bond issue, the purpose for which such bonds are to be issued, the maximum number of years during which such bonds shall run and the estimated average additional tax rate outside of the fifteen mill limitation, as certified by the county auditor.

The notice of election published in the instant case did not state the maximum number of years during which such bonds shall run or the estimated average additional tax rate outside of the fifteen mill limitation, as certified by the county auditor.

The provisions of Section 2293-21, General Code, being specific as to what the notice of election shall contain, I am of the opinion that the notice of election under consideration was not a sufficient compliance with said section.

Section 2293-23, General Code, prescribes the form of ballot to be used at an election on the question of issuing bonds. In the case of the above bond issue the ballot voted on did not conform to the form prescribed in Section 2293-23, General Code, in that the ballot did not contain the average tax rate outside of the fifteen mill limitation, as estimated by the county auditor, nor did it specify the maximum period for which such bonds should run.

In view of the foregoing, I am of the opinion that the election held on November 8, 1927, on the question of issuing the above bonds, was of no effect to confer the authority to issue such bonds and I am therefore compelled to advise you not to purchase the same.

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

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1433.

APPROVAL, BONDS OF THE VILLAGE OF DEER PARK, HAMILTON COUNTY, OHIO—\$6,971.15.

COLUMBUS, OHIO, December 23, 1927.

*Industrial Commission of Ohio, Columbus, Ohio.*

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1434.

APPROVAL, BONDS OF THE VILLAGE OF BARNESVILLE, BELMONT COUNTY, OHIO—\$11,000.00.

COLUMBUS, OHIO, December 23, 1927.

*Industrial Commission of Ohio, Columbus, Ohio.*