

ex rel. vs. Riley, it was held that unless the context requires it, the word "and" cannot be construed as "or".

In the case of *Stanton, Prosecuting Attorney vs. Frankel Brothers Realty Company*, 117 O. S. 345, the court held as disclosed by the first branch of the syllabus that:

"Section 5610 of the General Code, before the amendment of June 5, 1919, provided: 'An appeal from the decision of a county board of revision may be taken to the Tax Commission of Ohio * * * by the county auditor or any complainant * * * .' In amending that section the General Assembly changed the word 'or' to 'of' without intending so to do. In construing the statute as amended, in order to effect the obvious intent of the Legislature and to avoid inconsistency, the court will substitute the word 'or' for the word 'of' thereby giving to 'any complainant' the right to appeal from the board of revision to the tax commission."

While the question is not so free from doubt, in view of the foregoing decisions, it is clear that the legislative intent is the controlling factor in construing such a statute. It further would appear to be clear that the use of the word "and" in the manner pointed out in your communication was in all probability a clerical or typographical error. The entire context of the Green Law indicates that it was the purpose of the Legislature to adopt by reference the entire Sections 6906 to 6956, General Code, and in order to carry into effect the intention of the Legislature, it is necessary to substitute the word "to" for "and" in the language which you mention.

Based upon the foregoing citations and discussion, and in specific answer to your inquiry, it is my opinion that the phrase "Sections 6906 and 6956" contained in Section 6967 of the General Code, should be construed as "Sections 6906 to 6956." In other words, the context of the language of the section, in order to convey an intelligent meaning and to carry out the purposes thereof, requires the substitution of the word "to" for the word "and" in said phrase.

Respectfully,
GILBERT BETTMAN,
Attorney General.

309.

DISAPPROVAL, BONDS OF WASHINGTON TOWNSHIP, MONTGOMERY COUNTY, OHIO—\$4,500.00.

COLUMBUS, OHIO, April 15, 1929.

Re: Bonds of Washington Township, Montgomery County, Ohio, \$4,500.00.

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

GENTLEMEN:—An examination of the transcript pertaining to the above issue of bonds discloses that the notice of election was published for four consecutive weeks beginning on October 11, 1928, which was twenty-six days before the election.

This notice was published pursuant to the provisions of Section 2293-21 of the General Code, requiring that such notices of election shall be published in one or more newspapers of general circulation in the subdivision once a week for four consecutive weeks prior thereto.

Following the decision of the Supreme Court of Ohio in the case of *State vs.*

Kuhner and King, 107 O. S. 406, this office has repeatedly held that in the absence of a decision by a proper court to the contrary, publication of the notice of election for a period less than twenty-eight days is not a sufficient compliance with Section 2293-21 of the General Code.

The transcript is incomplete in other respects; however, in view of the foregoing, I am compelled to advise you not to purchase the above issue of bonds.

Respectfully,

GILBERT BETTMAN,
Attorney General.

310.

APPROVAL, BONDS OF NORTH CANTON VILLAGE SCHOOL DISTRICT,
STARK COUNTY, OHIO—\$95,000.00.

COLUMBUS, OHIO, April 15, 1929.

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

311.

DISAPPROVAL, ABSTRACT OF TITLE TO LAND OF MARY ELIZABETH
BAIRD, IN BENTON TOWNSHIP, HOCKING COUNTY, OHIO.

COLUMBUS, OHIO, April 16, 1929.

HON. CARL E. STEEB, *Secretary, Ohio Agricultural Experiment Station, Columbus, Ohio.*

DEAR SIR:—There have been submitted for my examination and approval a corrected abstract of title, a warranty deed, encumbrance estimate No. 4768 and Controlling Board's certificate relating to several contiguous tracts of land in Benton Township, Hocking County, Ohio, aggregating about 182 acres which is owned of record by one Mary Elizabeth Baird. The lands here under consideration are more particularly described as follows:

“Being the east half of the northeast quarter of Section 16, containing eighty-two acres. Also the northwest quarter of the northwest quarter of Section 15, containing forty acres, more or less, all being in Township 11 of Range 18, Hocking County, Ohio.

Also the following described real estate: Being the south half of the northwest quarter and the northeast quarter of the northwest quarter of Section 15.

Excepting from the above described tract of land a part of the east half of the northwest quarter of Section 15, Township 11, Range 18, beginning at the northeast corner of said quarter section; thence south on the quarter line