

be compelled to pay the costs thereof in the event his appeal is successful. The statute provides for a refund only if the petitioner succeeds in establishing error sufficient to change the result of the election, or the result in any precinct by at least two per cent of the total vote cast for such office in such precinct. It follows, therefore, that such change must result by reason of the recount of those precincts requested by such petitioner. The fact that the recount of the precincts requested by the opponent of such petitioner established an error changing the result of the election unfavorably to said petitioner would not, in my opinion, entitle him to a refund of the entire deposit made by him.

I am of the view therefore that the unsuccessful candidate is not entitled to a refund of the entire amount deposited by him, but that he should be charged with the cost of the recount of those precincts requested by him in which he did not establish errors sufficient to change the result in such precincts by at least two per cent of the total vote cast therein for the office of the prosecuting attorney, which cost should not be less than five dollars nor more than ten dollars per precinct.

Respectfully,

JOHN W. BRICKER,
Attorney General.

3659.

APPROVAL—BONDS OF LARUE VILLAGE SCHOOL DISTRICT,
MARION COUNTY, OHIO, \$3,285.82.

COLUMBUS, OHIO, December 19, 1934.

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

3660.

APPROVAL—BONDS OF GOSHEN TOWNSHIP RURAL SCHOOL DISTRICT,
TUSCARAWAS COUNTY, OHIO, \$4,526.74.

COLUMBUS, OHIO, December 19, 1934.

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

3661.

APPROVAL—BONDS OF CLAY TOWNSHIP RURAL SCHOOL DISTRICT,
MONTGOMERY COUNTY, OHIO, \$3,453.95.

COLUMBUS, OHIO, December 19, 1934.

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