## **OPINIONS**

OF THE

# **ATTORNEY GENERAL**

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## OHIO

FOR THE

## PERIOD FROM JANUARY 1, 1954 TO DECEMBER 31, 1954

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### ATTORNEYS GENERAL OF OHIO

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HENRY STANBERY	. 1846-1851
JOSEPH McCORMICK	. 1851-1852
GEORGE E. PUGH	.1852-1854
GEORGE W. McCOOK	.1854-1856
FRANCIS D. KIMBALL	.1856-1857
C. P. WOLCOTT	.1857-1861
JAMES MURRAY	. 1861-1863
LYMAN R. CRITCHFIELD	.1863-1865
WILLIAM P. RICHARDSON	.1865-
CHAUNCEY N. OLDS	.1865-1866
WILLIAM H. WEST	.1866-1870
FRANCIS B. POND	.1870-1874
JOHN LITTLE	.1874-1878
ISAIAH PILLARS	. 1878-1880
GEORGE K. NASH	.1880-1883
D. A. HOLLINGSWORTH	.1883-1884
JAMES LAWRENCE	.1884-1886
JACOB KOHLER	.1886-1888
DAVID K. WATSON	.1888-1892
JOHN K. RICHARDS	
F. S. MONNETT	. 1896-1900
J. M. SHEETS	
WADE H. ELLIS	.1904-1908
U. G. DENMAN	. 1908-191/1
TIMOTHY S. HOGAN	
EDWARD C. TURNER	
JOSEPH McGHEE	
JOHN G. PRICE	
C. C. CRABBE	
EDWARD C. TURNER	
GILBERT BETTMAN	
JOHN W. BRICKER	. 1933-1937
HERBERT S. DUFFY	
THOMAS J. HERBERT	.1939-1945
HUGH S. JENKINS	
HERBERT S. DUFFY	
C. WILLIAM O'NEILL	. 1951-

## STAFF OF THE OFFICE OF THE ATTORNEY GENERAL 1954

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C. William O'Neill	Attorney Ge	eneral	
Joseph S. Gill	First Assista	int Attori	ney General
Robert E. Leach Resigned November 11, 1954			
Evert E. Addison Deceased August 5, 1954			eneral
Sanford S. Arnoff	"	"	"
David V. Attig	**	<b>64</b>	"
William A. Banks, Jr Resigned February 1, 1954	"	"	"
John R. Barrett	"	"	"
Jack H. Bertsch	"	"	"
Van Blanchard	"	"	"
James M. Burtch, Jr	**	"	"
William A. Carroll	46	"	"
R. DeWitt Colmery	"	<b>14</b>	"
Anthony M. DeJute Resigned March 16, 1954	"	"	"
James F. DeLeoneResigned June 16, 1954	"	"	"
Joseph S. Deutschle, Jr.	**	"	"
Eagleton F. Dunn	"	"	"
Louis E. EvansResigned January 15, 1954	"		"
George H. Fell	"	"	"
Vincent C. Fornes	"	"	"
Israel Freeman Appointed March 8, 1954	"	"	"
	"	"	"
William Gemmill	"	"	"
Lake Giles	"	"	"
John W. Hardwick	"	"	"
John H. Hermanies	"	"	"
William E. Herron	"	"	"
Sidney Isaacs Appointed March 1, 1954	u	"	"
Kiehner Johnson	"		"
Hugh E. Kirkwood, Jr.	"	"	"
Ralph Klapp	"	"	
Francis M. Krohn		"	"
Franklin A. Kropp	"	"	"
Everett H. Krueger, Jr.	"		
Blanche E. Krupansky		"	"
Robert B. Krupansky	"		
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Ralph N. Mahaffey	"	"	"
Robert S. Malaga Resigned March 16, 1954	"	"	"
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S. Noel Melvin Appointed June 10, 1954	"	"	"
Earl N. Merwin	"	"	"
Richard C. Minor	"	"	"
Richard A. Morris	"	"	"
Gwynne B. Myers	"	"	"
Charles Neuger	"	"	"

George F. Patterson, JrResigned March 16, 1954	Assistar	it Attorne	y General	
Michael J. Pavick	"	"	"	
Fred G. Reiners Appointed January 2, 1954	"	**	"	
Hugh E. Sherer	"	"	"	
Larry H. Snyder	**	• •	"	
Russell J. Spetrino Appointed September16, 1954	"	"	"	;
Thomas Startzman Appointed Scptember 16, 1954	"	"	"	
Paul Tague, Jr.	"	"	"	
Gus Tarian	"	"	"	
Charles Van Thomas	"	"	"	
John M. Tobin	"	"	"	
Roger B. Turrell Appointed April 26, 1954	"	"	"	
Smith H. Tyler, Jr.	"	"	"	
James M. Videan	"	"	"	
Hugh D. Wait	"	"	**	
Thaddeus N. Walinski	"	"	"	
Theodore C. Walker	"	"	"	
Neva H. Wertz	"	"	"	
Leon L. Wolf Appointed March 1, 1954	"	""	"	
James L. Young Appointed March 1, 1954	"	"	"	1
Joseph Zito	"	"	"	

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- 2. "Federal department's share," section 941.67 RC-Sum paid by Federal department of agriculture-BAI order 302-One-third of difference between appraised value of slaughtered animals and gross salvage value-Not to exceed \$35.00 for grade animals-\$70.00 for purebred animals.
- 3. State department of agriculture-Required to pay two-thirds difference between appraised value and value of gross salvage of animals condemned-Affected with tuberculosis-Not to exceed \$70.00 for grade animal and \$140.00 for purebred animal-Effective on and after July 1, 1954 or until

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- 4. If any part of district affected by plan, electors of entire district entitled to vote at election held to approve plan.
- 5. Mode of procedure for election-Not provided for by law-Electors may determine mode of procedure.
- 6. County citizens committee—If plan of organization disapproved by superintendent of public instruction—Duty of county superintendent to call meeting—Duties of county superintendent and county board of education.
- 7. Nine members of county citizens committee shall be legal residents of county.
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- 3. Meeting of electors called—Section 3311.31 RC—Plan for organization of school districts of county—All electors residing in district affected by plan entitled to attend meeting—Vote on approval of plan at meeting and at election.
- 4. If any part of district affected by plan, electors of entire district entitled to vote at election held to approve plan.
- 5. Mode of procedure for election-Not provided for by law-Electors may determine mode of procedure.
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- 7. Nine members of county citizens committee shall be legal residents of county.
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- 2. If issue submitted to vote, approval must be affirmative vote of fifty-five per cent or more of electors voting on question—Levy may not be for longer period than two years.

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- 1. University---Municipal--Agreement for support---May provide separable amounts or funds for use by university for development, maintenance, or operation or one amount or fund to be utilized by authorities for any or all of such purposes---Section 3349.24 RC.
- 2. Where agreement contains provision for separable amounts or funds for university development, maintenance and operation, special levy outside ten mill limitation proceeds ear-marked in resolution of taxing authority for maintenance and operation of university is for current expenses of municipal universities—May be approved at general election by majority of electors voting on levy—Status as to agreement between county commissioners and board of directors of university as to development, maintenance and operation—General election—Vote of sixty per cent of electors—Sections 5705.19, 5705.26 RC.
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- 1. Citizens committee, county—Without authority to employ secretary or other assistants—Board may appoint county superintendent of schools to act as secretary—Section 3311.30 et seq., RC.
- 2. No authority for committee to employ legal counsel.
- 3. Meeting of electors called—Section 3311.31 RC. Plan for organization of school districts of county—All electors residing in district affected by plan entitled to attend meeting—Vote on approval of plan at meeting and at election.

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- 4. If any part of district affected by plan, electors of entire district entitled to vote at election held to approve plan.
- 5. Mode of procedure for election-Not provided for by law-Electors may determine mode of procedure.
- County citizens committee---If plan of organization disapproved by superintendent of public instruction-Duty of county superintendent to call meeting-Duties of county superintendent and county board of education.
- 7. Nine members of county citizens committee shall be legal residents of county.

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- 3. Township completely within limits of municipality—Section 703.22 RC operative—All township offices abolished—Exception, justices of peace and constables—Continue to exercise functions—They are elected at regular municipal elections.
- 4. Limits of municipality—Extended over to limits of township—Political existence of township—Not affected—Electors of municipality residing within overlapping portion of township—May vote for township trustee, township clerk, justices of peace and constables to be elected in township.
- 5. Township completely within limits of municipality—When section 703.22 RC becomes operative—Residents of township—Electors of city—Voting privileges—Section 503.07 RC.....

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