

2042.

APPROVAL, BONDS OF HOMER TOWNSHIP RURAL SCHOOL DISTRICT,  
MEDINA COUNTY, \$9,000.00.

COLUMBUS, OHIO, December 8, 1924.

*Department of Industrial Relations, Industrial Commission of Ohio, Columbus, Ohio.*

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2043.

DISAPPROVAL, BONDS OF VILLAGE OF WESTERVILLE, FRANKLIN  
COUNTY, \$7,500.00.

COLUMBUS, OHIO, December 9, 1924.

*Department of Industrial Relations, Industrial Commission of Ohio, Columbus, Ohio.*

Re: Bonds of Village of Westerville, Franklin County, \$7,500.00.

Gentlemen :—

An examination of the transcript submitted in connection with the foregoing issue of bonds discloses that these bonds are being issued in anticipation of the collection of assessments against abutting property owners for street improvements.

A copy of the charter of the Village of Westerville is enclosed in the transcript. Section 11 of said charter provides as follows:

“Publication of ordinances. All ordinances or resolutions shall be in effect from and after thirty days from the date of their passage except as otherwise provided in this act. Ordinances of a general nature, or providing for public improvements, or assessing property shall, upon passage, be promptly published one time in not more than two newspapers of general circulation in the municipality. Such ordinances shall be printed in the body type of the paper under headlines in eighteen point type, which shall specify the nature of such legislation. For the publication of ordinances no newspaper shall be paid any higher price than its maximum bona fide commercial rate.”

In accordance with this provision of the charter, the resolutions and ordinances passed by the council of the village providing for this issue had but one publication in a newspaper published in the village.

Sections 4228 and 4229 G. C. provide that such resolutions and ordinances shall be published once a week for two consecutive weeks, etc. The charter provision is therefore in conflict with the provisions of the statutes.

Within the last few days the Supreme Court of Ohio in the case of State of Ohio ex rel. Clyde W. Osborne, City Solicitor of the City of Youngstown, Ohio, vs. Arthur N. Williams, Director of Finance of the City of Youngstown, Ohio, held that charter cities cannot make assessments against property owners under the char-

ter provision for notices to the property owners, when the charter provision is in conflict with state laws. This decision was based on the rule as laid down in the case of *Berry et al. vs. City of Columbus*, 104 O. S., 607 and following the case of *Toledo vs. Cooper*, 97 O. S., 86 and *Dayton vs. Bish*, 104 O. S., 206, in which case the rule has been made as follows:

"The power of municipalities both to incur debt and levy taxes, may be restricted or limited by law and a municipality by adopting a charter cannot escape from the limitations imposed thereon by the General Assembly."

"The provisions of a city charter relating to assessments that are in conflict with the requirements of the state law governing special assessments for street improvements must yield to the laws of the state."

In view of the findings of the Supreme Court in each of the foregoing cases, I cannot approve proceedings for the issuance of bonds under legislation as provided by city charters, when the provisions of such charters are in conflict with state laws.

You are therefore advised not to purchase said bonds for the reasons as herein set forth.

Respectfully,  
C. C. CRABBE,  
*Attorney General.*

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2044.

APPROVAL, ASSESSMENT BONDS, MIAMI CONSERVANCY DISTRICT,  
\$263,000.00.

COLUMBUS, OHIO, December 8, 1924.

*Department of Industrial Relations, Industrial Commission of Ohio, Columbus, Ohio.*

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2045.

APPROVAL, BONDS OF MIAMI CONSERVANCY DISTRICT, \$50,000.00.

COLUMBUS, OHIO, December 8, 1924.

*Department of Industrial Relations, Industrial Commission of Ohio, Columbus, Ohio.*

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2046.

APPROVAL, BONDS OF MIAMI CONSERVANCY DISTRICT, \$43,000.00.

COLUMBUS, OHIO, December 8, 1924.

*Department of Industrial Relations, Industrial Commission of Ohio, Columbus, Ohio.*