

unexpired term. A majority vote of all the remaining members of the board may fill any such vacancy."

Section 4752, to which you refer, contains the general provision that a majority of the members of a board of education shall constitute a quorum for the transaction of business. Of course, as a general rule, in the absence of special provisions a board may act by a majority of a quorum. The section does not, however, in my opinion, repeal Section 4748, *supra*, containing express provisions as to the vote necessary to fill a vacancy in a board of education, notwithstanding the fact that Section 4752, General Code, was enacted in its present form in 1917, a date subsequent to the enactment of Section 4748. Section 4752, General Code, was in force and effect in its present form at the time of the rendition of the opinion to which you refer appearing in Opinions of the Attorney General for 1924, Vol. I, p. 137. The syllabus of this opinion is as follows:

"A vacancy in a county board of education can only be filled in accordance with the provisions of Section 4748, which provides that such vacancy shall be filled by a majority vote of all the remaining members of the board."

I concur in the foregoing opinion, and it is therefore not necessary to consider the question of whether or not the withdrawal of one of the members of the board from the meeting resulted in there not being a quorum at the time it was sought to elect the new member to fill the vacancy.

Respectfully,

GILBERT BETTMAN,
Attorney General.

3024.

APPROVAL, BONDS OF PLAIN TOWNSHIP RURAL SCHOOL DISTRICT, STARK COUNTY, OHIO—\$165,000.00.

COLUMBUS, OHIO, March 5, 1931.

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

3025.

APPROVAL, THREE LEASES TO LAND AT BUCKEYE LAKE AND LAKE ST. MARYS—MRS. ELLA HARLOW—ELLA W. TURNER—DAVID H. PIPER.

COLUMBUS, OHIO, March 5, 1931.

HON I. S. GUTHERY, *Director of Agriculture, Columbus, Ohio.*

DEAR SIR:—You have submitted for my examination and approval, through the Chief of the Bureau of Inland Lakes and Parks in the Division of Conservation, three leases in triplicate of certain parcels of State reservoir lands, which