

An examination of Section 1579-562, *supra*, clearly shows that all of the actions and proceedings contemplated in this and the related sections are judicial in their nature. It may well be that the legislature in creating the municipal court of Piqua determined to confer upon this court only functions purely judicial. In any event it is clear that the power to appoint township trustees was not expressly conferred upon such municipal court and an examination of the entire act creating this court discloses no legislative intent in such act to confer upon such court any of the administrative duties formerly given to justices of the peace. Nowhere in the law is there any provision which authorizes the municipal court to discharge all the functions theretofore devolving upon justices of the peace nor is there a blanket provision which names the municipal court as successor to the jurisdiction, powers and duties of justices of the peace. Instead, the law abolishes the office of justice of the peace in the townships in question and creates a municipal court upon which certain jurisdiction formerly exercised by a justice of the peace is conferred.

In arriving at this conclusion I am not unmindful of a former opinion of this office, *vis.*, Opinion No. 3904 of the Opinions of the Attorney General for 1926, dated December 22, 1926, a copy of which is herewith enclosed. Although this opinion has reference to the act creating the municipal court of Springfield, Ohio, the act therein construed is in substance the same as the one now under consideration so far as powers conferred are concerned.

As above stated the only way a vacancy on the board of township trustees may be filled is as provided by Section 3262, *supra*. No justice of the peace now being in existence in Washington township, such vacancy cannot be filled.

Answering your question specifically it is my opinion that the judge of the municipal court of Piqua, Ohio, does not have power or authority to make an appointment to fill a vacancy on the board of trustees of Washington township.

Respectfully,
EDWARD C. TURNER.
Attorney General.

412.

APPROVAL, NOTE OF LAURELVILLE VILLAGE SCHOOL DISTRICT,
HOCKING COUNTY, OHIO, \$9,120.00.

COLUMBUS, OHIO, April 29, 1927.

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