

filling of vacancies, no provision is therein contained that would govern the proposed case of creating an additional office of justice of the peace in a given township.

And again referring to the provisions of section 1717 G. C., when the clerk certifies to the secretary of state, he

“shall state in his certificate the name of the justice whose place in supplied by the person whose appointment is so certified, and the date when the vacancy occurred.”

Also,

“When the election of an additional justice in a township is properly authorized, the clerk in certifying his *election* to the secretary of state shall state in his certificate that he is such additional justice of the peace, so authorized and *elected*.”

The word “vacancy” suggests the idea of the office having been previously filled. With this thought in mind, it is believed that no such vacancy exists in the office of justice of the peace, newly created, as an additional justice of the peace in a township.

It is also my opinion that the language found in section 1713 G. C. that :

“The trustees shall give notice to the electors of the township to *elect* the justice or justices so added at the regular election for such office”

is controlling and governs in all respects the manner of filling this office, newly created.

Specifically answering your inquiry, it would therefore follow, that neither the probate court who created the additional office, nor the township trustees, would have authority to appoint a justice of the peace to this newly created position, but on the contrary, the trustees would be required to give notice to the electors of the township to *elect* the justice so added at the *regular election for such office*, which would mean the first regular election in an odd numbered year following the creation of the office by the probate court.

Respectfully,
C. C. CRABBE,
Attorney-General.

1247.

APPROVAL, BONDS OF GENEVA RURAL SCHOOL DISTRICT, ASHTABULA COUNTY, \$6,768.14, TO FUND CERTAIN INDEBTEDNESS.

COLUMBUS, OHIO, March 6, 1924.

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