

vs. *Baldwin*, 101 O. S. 65, 67. In this connection Section 3329, General Code, provides that when by death, removal, resignation or non-acceptance of the person elected, a vacancy occurs in the office of constable, or "when there is a failure to elect", the township trustees shall appoint a suitable person to fill such vacancy until the next biennial election for constable, and until a successor is elected and qualified.

By way of specific answer to your second question, therefore, I am of the opinion that such constable should be appointed by the trustees of the township as provided for in said Section 3329, General Code, although, of course, he cannot serve longer than December 31, 1929.

Respectfully,
EDWARD C. TURNER,
Attorney General.

1307.

APPROVAL, BONDS OF THE VILLAGE OF PENINSULA, SUMMIT COUNTY—\$3,500.00.

COLUMBUS, OHIO, November 28, 1927.

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

1308.

APPROVAL, BONDS OF BOLIVAR VILLAGE SCHOOL DISTRICT, TUSCARAWAS COUNTY, OHIO—\$69,000.00.

COLUMBUS, OHIO, November 28, 1927.

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

1309.

RAPE—SECTIONS 12413, 12414, 12423-1 AND 13023, GENERAL CODE, DISCUSSED—RAPE OF STEP-DAUGHTER BY STEP-FATHER—INCEST—PROSECUTION FOR "SAME OFFENSE", DISCUSSED.

SYLLABUS:

1. A male person of fifty-five years of age who commits rape upon his step-daughter, aged thirteen years, if the act was committed forcibly and against the will of such female.