

change places an associate judge within the limits of another county, such associate judge forfeits his office unless within a reasonable time he removes into the limits of the county for which he was elected.

In the case of *State of Ohio, ex rel. Hartshorn, vs. Walker*, 17 Ohio, 135, it was held that on the formation of a new county, the county commissioners of any of the counties from which the new county is formed, who reside within its limits, cease to be commissioners of the old county, unless they move into it.

Without further extending this opinion, and in specific answer to your question, it is my opinion that the electors of the newly created Brookside Township, formerly a part of Sheffield Township, Lorain County, do not have the right to participate in the election of a judge and clerk for the Municipal Court of Lorain in the forthcoming election.

Respectfully,

JOHN W. BRICKER,  
*Attorney General.*

---

1812.

APPROVAL, LEASE TO CANAL LAND IN DRESDEN, MUSKINGUM COUNTY, OHIO, FOR THE RIGHT TO LAY AND MAINTAIN SANITARY SEWERS, ETC.

COLUMBUS, OHIO, November 3, 1933.

HON. T. S. BRINDLE, *Superintendent of Public Works, Columbus, Ohio.*

DEAR SIR:—This is to acknowledge receipt of your recent communication submitting for my examination and approval a certain canal land lease which you have executed to the village of Dresden, Muskingum County, Ohio, under authority conferred upon you by amended Substitute Senate Bill No. 72 enacted by the 89th General Assembly, 114 O. L. 541, which provides for the abandonment of that portion of the Ohio Canal and of all lateral canals and canal feeders connected therewith within Tuscarawas, Coshocton and Muskingum Counties, Ohio, and for the lease and sale of canal lands so abandoned.

By this lease, which is one for a stated term of thirty years and which provides for an annual rental of \$30.00 during the first fifteen year period of the term of the lease, there is leased and demised to said village the right to lay and maintain sanitary sewers, with the necessary laterals, manholes and other devices incidental thereto in the bed of the abandoned Dresden Side Cut Canal, located in said village.

Upon examination of this lease, I find that the same has been properly executed by you in your official capacity as Superintendent of Public Works and as director of said department, and by the village of Dresden, acting by the hand of its mayor pursuant to the authority of a resolution of the council of said village duly adopted under date of August 7, 1933.

Upon examination of the terms and provisions of this lease and of the conditions and restrictions therein contained and made a part thereof, I find the same to be in conformity with said act of the 89th General Assembly, above referred to, and with other statutory enactments relating to the execution of leases of this kind.

I am accordingly approving this lease as to legality and form, as is evidenced by my approval endorsed upon the lease and upon the duplicate and triplicate copies thereof, which are herewith enclosed.

Respectfully,

JOHN W. BRICKER,

*Attorney General.*

---

1813.

INACTIVE DEPOSITARIES—COUNTY COMMISSIONERS NEED NOT READVERTISE WHERE BANKS AGREED TO TAKE INACTIVE FUNDS IN AMOUNT LESS THAN COMMISSIONERS MUST DEPOSIT—SURPLUS MAY BE DEPOSITED IN ALREADY DESIGNATED BANKS.

**SYLLABUS:**

*Where the county commissioners have advertised for bids for inactive depositaries under section 2716, General Code, and when, after all the banks bidding therefor have been awarded the amounts bid for, there still remains a balance of inactive funds unawarded, the county commissioners may under section 2715-1, General Code, increase the deposits in the banks awarded the first deposits at the same rate of interest, without further advertising, upon procuring additional securities.*

COLUMBUS, OHIO, November 3, 1933.

HON. HOWARD M. NAZOR, *Prosecuting Attorney, Jefferson, Ohio.*

DEAR SIR:—This will acknowledge receipt of your request for my opinion, which reads as follows:

“Section 2715-1 of the General Code, relating to County Depositaries, provides in part as follows:

‘Each Bank or Trust Company when submitting proposals as provided in Section 2716 for inactive deposits shall stipulate the amount of money desired by such bank or trust company; and when the aggregate amount placed with all the banks and trust companies qualifying for same in any county, does not equal the amount that may be placed into inactive depositaries, the County Commissioners shall upon securing sufficient additional security from any or all of such inactive depositaries, authorize the County Treasurer to increase the deposits therein.

My specific inquiry is as to the meaning of the words ‘does not equal the amount that *may* be placed into inactive depositaries.’ Do these words mean the total amount that the different banks that bid for the funds stipulated they desired, or do they mean any amount of money which might be on hand and which the Commissioners desire to have deposited in the inactive depositaries?

In other words, assume that the total amount stipulated by all of the banks bidding that they desired is \$500,000, and suppose it later developed that the County received and had on hand \$100,000 over and