

may be administered by any member of the board touching the matter under investigation."

Having in mind the provisions of section 7827 General Code, and the last clause of section 7808, General Code, above quoted, it is believed that inasmuch as the State Board of Examiners are vested with power to revoke for "good cause", they are necessarily vested with power and authority to determine, upon filing of charges, notice to the accused and a proper hearing and investigation of the facts, whether or not such facts constitute "good cause" for revocation. In other words, the State Board of Examiners being vested with authority to revoke a certificate for "good cause", the board itself must be the judge of the facts and evidence in any given case.

Protection of the rights of the accused and adherence to the Anglo-Saxon principle of due process of law, fair play and orderly procedure, would seem to dictate, as a minimum requirement, such a procedure as above outlined, especially when the Legislature has failed to provide any procedure, as in the instant case.

Therefore, you are advised that the State Board of School Examiners has power to revoke for "good cause" a certificate issued by them, the board itself, upon investigation of the facts and hearing of evidence, to determine if such "good cause" exists. No procedure being specifically provided, it is believed that the procedure indicated in section 7827 G. C. may be safely followed.

Respectfully,  
C. C. CRABBE,  
*Attorney General.*

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612.

JUSTICE OF THE PEACE—TERM OF OFFICE—SECTIONS 4831 AND  
3512 G. C. CONSTRUED.

COLUMBUS, OHIO, July 27, 1923.

*Bureau of Inspection and Supervision of Public Offices, Columbus, Ohio.*

SYLLABUS:

*The term of a person appointed to fill a vacancy in the office of justice of the peace would be terminated as soon as a successor was elected and qualified, which could be on the first day of January following the November election in the odd year following his appointment.*

GENTLEMEN:—This will acknowledge receipt of your letter of July 20th, in which you ask the following questions:

"What is the term of a justice of the peace appointed to fill a vacancy where the regularly elected justice of the peace refused to qualify?

Does he serve only until the next election for justices of the peace or does he serve out the four year term of the justice who refused to qualify?"

Section 1714 of the General Code reads as follows:

"If a vacancy occurs in the office of justice of the peace by death, removal, absence for six months, resignation, refusal to serve, or otherwise, the trustees within ten days from receiving notice thereof, by a majority vote, shall appoint a qualified resident of the township to fill such vacancy, *who shall serve until the next regular election for justice of the peace, and until his successor is elected and qualified.* The trustees shall notify the clerk of the courts of such vacancy and the date when it occurred."

Section 1715 G. C. provides that

"At the next regular election for such office, a justice of the peace shall be elected in the manner provided by law, for the term of four years commencing on the first day of January next following his election."

Section 4831 G. C. is as follows:

"Township officers and justices of the peace shall be chosen by the electors of each township on the first Tuesday after the first Monday in November in the odd numbered years."

Section 3512 G. C. reads as follows:

"When the corporate limits of a city or village become identical with those of a township, all township offices shall be abolished, and the duties thereof shall thereafter be performed by the corresponding officers of the city or village, except that justices of the peace and constables shall continue the exercise of their functions under municipal ordinances providing offices, regulating the disposition of their fees, their compensation, clerks and other officers and employes. Such justices and constables shall be elected at municipal elections. All property, moneys, credits, books, records and documents of such township shall be delivered to the council of such city or village. All rights, interests, or claims in favor of or against the township may be enforced by or against the corporation."

Section 1714 provides that a resident appointed to fill "such vacancy" *shall serve until the next regular election for justice of the peace, and until his successor is elected and qualified and section 1715 provides such vacancy shall be filled at the next regular election for such office.*"

The next regular election at which a justice could be elected would be on the *first Tuesday after the first Monday in November*, in the odd year following such appointment, as provided in said sections 4831 and 3512 G. C. and the elector elected to such office at such election would take office on the first day of January thereafter, as provided in section 1715.

Therefore it follows that the term of a justice appointed to fill a vacancy, under circumstances mentioned in your communication, would be terminated as soon as a successor was elected and qualified which could be on the first of January following the November election in the odd year after his appointment.

Respectfully,

C. C. CRABBE,

*Attorney General.*