

of state for the making, recording and forwarding his commission before being entitled to receive it. The fee to be paid by each justice of the peace shall be two dollars, and the fee of all other such officers, five dollars."

Under section 1714, General Code, the township trustees appoint a justice of the peace when there is a vacancy and notify the county clerk of courts of such vacancy and the date when it occurred. Then the clerk of courts, after collecting the fee of two dollars from the appointee, forwards the said fee of two dollars, together with the form of application for appointment of a justice of the peace to the office of the Secretary of State, who immediately obtains the signed commission from the Governor and forwards it to the clerk of courts, under sections 138 and 139, General Code.

From information I have received from the official records in the office of the Secretary of State, it appears that Thomas M. Carver and David H. Rupert were both appointed by the township trustees of Clay Township on September 6, 1932. Said records also show that the clerk of courts forwarded the form of application for appointment of David H. Rupert to the office of Secretary of State on September 15, 1932, and his (Rupert's) commission was signed by the Governor and forwarded by the Secretary of State to the clerk of courts on September 16, 1932.

On the other hand, the records of the Secretary of State show that the clerk of courts forwarded the application for appointment of Thomas M. Carver to the Secretary of State on September 29, 1932, and the commission was signed by the Governor and forwarded to the clerk of courts on September 30, 1932. Hence, it appears from the official records of the Secretary of State that the date of the commission of David H. Rupert was September 16, 1932, and that of Thomas M. Carver, September 30, 1932. Consequently, under the uniform opinions of the former Attorneys General, the commission of David H. Rupert being the older, he is entitled to make the appointment to fill the vacancy in the Clay township board of trustees.

Therefore, in specific answer to the question propounded by the clerk of Clay township, I am of the opinion that Mr. Rupert should make the appointment of the successor of Mr. Roc.

Respectfully,

JOHN W. BRICKER,

Attorney General.

847.

APPROVAL, NOTES OF McARTHUR-HUNTSVILLE VILLAGE SCHOOL DISTRICT, LOGAN COUNTY, OHIO—\$1,135.00.

COLUMBUS, OHIO, May 22, 1933.

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

848.

APPROVAL, NOTES OF SUGAR CREEK TOWNSHIP RURAL SCHOOL DISTRICT, ALLEN COUNTY, OHIO—\$873.00.

COLUMBUS, OHIO, May 22, 1933.

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