

This is a square admission on the part of the president of the board that he and those for whom he was speaking when he testified had resolved on a policy of concealment for the purpose of defeating the people's power of remonstrance. * * * We consequently hold the whole transaction void and enter a decree in accordance with the prayer of the petition."

The above case has not been officially reported and I have no means of knowing whether it will be so reported.

In the light of the foregoing discussion, I am of the opinion in specific answer to the question submitted that when new school districts are created by a county board of education by authority of Section 4736, General Code, the only power given to the residents of the territory affected is the power of remonstrance, as stated in the statute, and that inasmuch as the statute does not impose on the county board of education the duty to publish any notice of its action by way of creating a new school district, as authorized by the statute, the residents of the district are required to use due diligence in keeping themselves informed of the action of the board of education under and by authority of said Section 4736, General Code; on the other hand, the county board of education, although not required to publish a notice of action taken by it under and by authority of Section 4736, General Code, is required to exercise the power so given to it in good faith and cannot lawfully conceal action taken by it under and by authority of said statute and thus defeat the right of remonstrance given by the statute to the residents of the territory affected.

Respectfully,

GILBERT BETTMAN,
Attorney General.

2302.

APPROVAL, BONDS OF MADISON TOWNSHIP RURAL SCHOOL DISTRICT, BUTLER COUNTY, OHIO—\$25,000.00.

COLUMBUS, OHIO, September 6, 1930.

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

2303.

APPROVAL, BOND FOR THE FAITHFUL PERFORMANCE OF HIS DUTIES AS EXAMINER IN THE BUILDING AND LOAN DIVISION IN THE DEPARTMENT OF COMMERCE—HAROLD CRAIG.

COLUMBUS, OHIO, September 6, 1930.

HON. JOHN W. PRUGH, *Superintendent of Building and Loan Associations, Columbus, Ohio.*

DEAR SIR:—You have submitted a bond in the penal sum of \$5,000.00, upon which the name of Harold Craig appears as principal and the name of the Southern Surety

Company of New York appears as surety. Said bond is conditioned to cover the faithful performance of the duties of the principal as examiner in the Building and Loan Division of the Department of Commerce.

Finding said bond to have been executed in proper legal form, I have approved the same as to form and return the same herewith.

Respectfully,
GILBERT BETTMAN,
Attorney General.

2304.

APPROVAL, BONDS OF CITY OF CUYAHOGA FALLS, SUMMIT COUNTY,
OHIO—\$60,000.00.

COLUMBUS, OHIO, September 6, 1930.

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

2305.

JURISDICTION—WHERE NEW TOWNSHIP CREATED—DE FACTO EXERCISE OF AUTHORITY IN TWO TOWNSHIPS BY JUSTICE OF PEACE—JUDGMENTS OF JUSTICE VALID WHEN NO KNOWLEDGE OF NEW TOWNSHIP IS SHOWN—WHO MAY RECEIVE DOCKETS AND PAPERS OF SUCH JUSTICE.

SYLLABUS:

1. *Where a justice of the peace is elected in a township and subsequently a new township is created out of territory within a village in such township and said justice of the peace has resided and continues to reside in the new township territory, under circumstances which do not show knowledge either on the part of the community generally or himself of the creation of said new township, such justice becomes a de facto officer, and judgments rendered by him between the time of the creation of the new township and the expiration of his commission are valid.*

2. *The dockets and papers of such justice should be turned over at the expiration of his commission to the newly elected justice of the original township.*

COLUMBUS, OHIO, September 8, 1930.

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

GENTLEMEN :—I am in receipt of your communication as follows :

“B’ was a duly elected and qualified justice of the peace for a term ending December 31, 1929, for ‘G’ Township; on June 23, 1928, the county commissioners created ‘F’ Township out of a part of the territory previously included in ‘G’ Township. The justice of the peace ‘B’ continued to exercise