

trict belongs, upon being advised and satisfied thereof, shall perform any and all such duties or acts, in the same manner as the board of education by this title is authorized to perform them. * * * "

I am, therefore, of the opinion that a vacancy exists in the board of education concerned in your inquiry, by reason of the fact that the candidate about whom you inquire is ineligible to fill the office, and that if such vacancy is not filled by the local board of education within thirty days it becomes the duty of the county board of education of the county district, of which the local district is a part, to fill said vacancy.

Respectfully,
EDWARD C. TURNER,
Attorney General.

1578.

DEPOSITORY BOND—TOWNSHIP TRUSTEES MAY ACCEPT SECURITIES ENUMERATED IN SECTION 4295, GENERAL CODE, IN LIEU THEREOF.

SYLLABUS:

Township trustees may accept from a depository of township funds in lieu of a depository bond the securities enumerated in Section 4295 of the General Code, subject to the conditions and limitations in said section contained.

COLUMBUS, OHIO, January 14, 1928.

HON. R. L. THOMAS, *Prosecuting Attorney, Youngstown, Ohio.*

DEAR SIR:—This will acknowledge your letter of January 11, 1928, as follows:

"May the township trustees under Section 3324, General Code, accept the same security for depository bonds as the county commissioners by authority of Section 2732?"

The township depository law is comprehended within Sections 3320 to 3326, inclusive, of the General Code. There is no authority therein for the acceptance of any security for township funds other than a "good and sufficient bond."

You inquire whether or not the township trustees may accept the same security, for depository bonds, as the county commissioners, by authority of Section 2732, General Code. I assume that you inquire whether or not the trustees may accept such securities as the county commissioners are authorized to accept by Section 2732 of the Code in lieu of a depository bond.

By reference to the section just mentioned, and to the sections heretofore referred to relating to the deposit of township funds, there is found no appropriate language from which it may be said that either section is in any way connected with the other. Your specific question must, therefore, be answered in the negative.

I desire, however, to call your attention to the provisions of Section 4295 of the General Code, which, along with Section 2732, was amended in House Bill No. 388 of the 87th General Assembly to read as follows:

"The council may provide by ordinance for the deposit of all public monies coming into the hands of the treasurer, in such bank or banks, situ-

ated within the municipality or county, as offer, at competitive bidding the highest rate of interest and give a good and sufficient bond issued by a surety company authorized to do business in the state, or furnish good and sufficient surety, or secure said monies by a deposit of bonds or other interest bearing obligations of the United States or those for the payment of principal and interest of which the faith of the United States is pledged, including bonds of the District of Columbia; and farm loan bonds issued under the provisions of the act of congress known as the federal farm loan act, approved July 17, 1916, and amendments thereto; bonds of the State of Ohio or of any other state of the United States; legally issued bonds of any city, village, county, township or other political subdivision of this or any other state or territory of the United States and as to which there has been no default of principal, interest or coupons, and which in the opinion of the treasurer are good and collectible providing the issuing body politic has not defaulted at any time since the year 1900, in the payment of the principal and interest of any of its bonds; notes issued under authority of law by any county, township school district, road district, or municipal corporation of this state; said security to be subject to the approval of the proper municipal officers, in a sum not less than ten per cent in excess of the maximum amount at any time to be deposited. And whenever any of the funds of any of the political subdivisions of the state shall be deposited under any of the depositary laws of the state, the securities herein mentioned, in addition to such other securities as are prescribed by law, may be accepted to secure such deposits."

While this section is, in the main, pertinent only to the investment of municipal funds, yet by the last sentence thereof its provisions are made applicable to the funds of any of the political subdivisions of the state. It necessarily follows that the securities therein mentioned may be accepted by the township trustees as security for the deposit of township funds subject to the limitations contained in that section.

You will observe that the securities mentioned in Section 4295 of the Code are, in the main, the same as those in Section 2732, to which you have referred. There are, however, certain differences which a careful reading of the section will disclose and which it is unnecessary for me to mention specifically.

Respectfully,
EDWARD C. TURNER,
Attorney General.

1579.

JUSTICE OF THE PEACE—VACANCY—TOWNSHIP TRUSTEES MUST TAKE OATH AND GIVE BOND BEFORE ENTERING UPON DUTIES—PROCEDURE WHEN THERE IS NO JUSTICE OF THE PEACE TO APPROVE BOND.

SYLLABUS:

1. *Where a newly elected justice of the peace fails or refuses to qualify, the justice of the peace whom he was elected to succeed and who has completed his four-year term, does not, by virtue of the provisions of Section 8, General Code, or otherwise, continue in office, the term of office of a justice of the peace being limited by Section 2, Article XVII of the Constitution of Ohio to four years.*