

4398.

APPROVAL, NOTES OF MONROE TWP. RURAL SCHOOL DIST., DARKE COUNTY, OHIO—\$2,150.00.

COLUMBUS, OHIO, June 8, 1932.

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

4399.

VACANCY—JUSTICE OF PEACE—TOWNSHIP TRUSTEES APPOINT A SUCCESSOR TO SERVE UNTIL NEXT REGULAR ELECTION FOR THAT OFFICE.

*SYLLABUS:*

*Method of filling vacancy in office of justice of the peace caused by failure to furnish additional surety discussed.*

COLUMBUS, OHIO, June 8, 1932.

HON. CAMERON MEACHAM, *Prosecuting Attorney, Portsmouth, Ohio.*

DEAR SIR:—Your recent request for my opinion reads:—

“A Justice of the Peace was properly notified to give additional surety and failed to do so. Can the trustees of the township in which this Justice of the Peace resides appoint another to act as Justice of the Peace under Section G. C. 1714 or are they limited to the provision of Section 1723, to give notice of a new election to fill the vacancy?”

Section 1723, General Code, to which you refer, reads as follows:—

“When, in the opinion of the trustees of a township, the surety of a justice of the peace is insufficient for any cause, they shall give notice in writing to such justice that he shall within ten days give additional surety to their satisfaction. On neglect or refusal of a justice to enter into a bond with sureties as required of him by this chapter, the office shall be deemed vacant and the trustees shall give notice of a new election to fill such vacancy.”

Section 1714, General Code, is 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