

From the plain wording of the sections quoted, and for the reasons stated, I am of the opinion that except as prescribed in General Code Section 3262, viz., by appointment by a justice of the peace of the township, there is no way provided by law for the filling of a vacancy in a board of township trustees, and that until a person appointed justice of the peace, has received his commission to fill such office from the governor and otherwise qualified according to law, he is ineligible to perform any of the duties of his office, including the filling of a vacancy in the board of trustees.

Respectfully,

EDWARD C. TURNER,

Attorney General.

15.

MUNICIPAL CORPORATION—MAY ENACT AND ENFORCE ORDINANCE
—SEIZURE AND SALE OF CONVEYANCE USED IN TRANSPORTING
INTOXICATING LIQUOR—MUST COMPLY WITH GENERAL LAWS
OF STATE.

SYLLABUS:

A municipal corporation may enact and enforce an ordinance providing for the seizure and sale of conveyances used in transporting intoxicating liquor, providing the provisions of said ordinance are not in conflict or inconsistent with the general laws of the state.

COLUMBUS, OHIO, January 21, 1927.

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

GENTLEMEN:—I am in receipt of your letter of January 14, 1927, requesting my opinion on the following:

“Section 6212-43, G. C., provides for the seizure and sale of conveyances used in transporting intoxicating liquors illegally.

Question: May a municipal corporation provide by ordinance for the confiscating of conveyances used in transporting liquor contrary to the provisions of an ordinance?”

Section 3 of Article XVIII of the Constitution of the State of Ohio provides:

“Municipalities shall have authority to exercise all powers of local self-government and to adopt and enforce within their limits such local police, sanitary and other similar regulations, as are not in conflict with general laws.”

In the case of *Heppel vs. The City of Columbus*, 106 Ohio St. 107, decided, December 12, 1922, the court held:

“By virtue of authority conferred upon municipalities by Section 3, Article XVIII of the Ohio Constitution, to adopt and enforce within their limits such local police regulations as are not in conflict with general laws, municipalities may enact and enforce ordinances, the provisions of which are not inconsistent with the general laws of the state, prohibiting the manufac-

ture, possession or sale of intoxicating liquor for beverage purposes and the keeping of a place therein where intoxicating liquors are manufactured, sold, furnished, etc., for beverage purposes."

The ordinance in question would be a police regulation which would not be in conflict, but would be in entire harmony with the laws of the state.

It is my opinion, therefore, that a municipal corporation may enact and enforce an ordinance providing for the seizure and sale of conveyances used in transporting intoxicating liquor, providing the provisions of said ordinance are not in conflict or inconsistent with the general laws of the state.

Respectfully,
EDWARD C. TURNER,
Attorney General.

16.

OFFICES COMPATIBLE—MEMBER OF COUNTY BOARD OF EDUCATION
AND VILLAGE BOARD OF EDUCATION.

SYLLABUS:

The office of member of a county board of education may be held by a member of a village board of education.

COLUMBUS, OHIO, January 21, 1927.

HON. FRANK E. SLABAUGH, *Prosecuting Attorney, Newark, Ohio.*

DEAR SIR:—I have your communication in which you inquire whether or not a member of a county board of education may at the same time be a member of the village board of education of the village in which he resides.

It is provided by General Code Section 4728 that:

"Each county school district shall be under the supervision and control of a county board of education composed of five members, who shall be electors residing in the territory composing the county school district and who may or may not be members of local boards of education."

By reason of the provisions of this statute, it is my opinion that one person may hold the office of member of the county board of education and at the same time be a member of the village board of education, providing he is an elector residing in the territory comprising the county school district.

Respectfully,
EDWARD C. TURNER,
Attorney General.