

report the findings of such examinations and make such recommendations to the parents or guardians of said children as are deemed necessary for the correction of such defects as may need correction, where the board of education of the school district has not employed a school physician.

Respectfully,

JOHN W. BRICKER,  
*Attorney General.*

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5168.

APPROVAL—BONDS OF JEFFERSONVILLE VILLAGE  
SCHOOL DISTRICT, FAYETTE COUNTY, OHIO, \$15,000.00.

COLUMBUS, OHIO, February 17, 1936.

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

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5169.

APPROVAL—BONDS OF CITY OF AKRON, SUMMIT COUNTY,  
OHIO, \$10,000.00.

COLUMBUS, OHIO, February 17, 1936.

*State Employees Retirement Board, Columbus, Ohio.*

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5170.

APPROVAL—CONTRACT FOR GRADE CROSSING ELIMINA-  
TION ON SHELBY-MANSFIELD ROAD, RICHLAND  
COUNTY, OHIO.

COLUMBUS, OHIO, February 17, 1936.

HON. JOHN JASTER, JR., *Director of Highways, Columbus, Ohio.*

DEAR SIR: You have submitted a cooperative contract by and between the Director of Highways and the Commissioners of Richland County, covering grade crossing elimination on State Highway No. 436, State Route No. 39, Shelby-Mansfield Road, Sections J-2 (Part) and J-3 (Part), which is a U. S. Works Grade Crossing Program Project No. Ohio WPGS 940-A.

After examination it is my opinion that said contract is in proper legal form and I have accordingly endorsed my approval thereon and return the same herewith.

Respectfully,

JOHN W. BRICKER,  
*Attorney General.*

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5171.

BOARD OF TRUSTEES—WHICH JUSTICE OF PEACE TO MAKE APPOINTMENT TO FILL VACANCY IN OFFICE OF TOWNSHIP TRUSTEE—REFUND OF COSTS IN ELECTION RECOUNT CASE.

**SYLLABUS:**

1. *Where two justices of the peace were elected at the same time for terms to commence on the first day of January of the next year but the commissions from the Governor of Ohio bear different dates, the justice of the peace holding the commission bearing the earlier date is authorized to appoint a suitable person to fill a vacancy on the board of trustees of such township in accordance with the terms of Section 3262, General Code.*

2. *Where there has been a recount in accordance with Sections 4785-162, et seq., General Code, the petitioner for such recount is not entitled to a refund of the cost thereof deposited by him where, as a result of such recount, he has not established error sufficient to change the result of the election or to change the result in any precinct by at least two per cent of the total vote cast for the office involved, even though a later action to contest said election did change the result thereof.*

COLUMBUS, OHIO, February 18, 1936.

HON. GEORGE S. MYERS, *Secretary of State, Columbus, Ohio.*

DEAR SIR: I acknowledge receipt of your communication which reads as follows:

“Following the election of November 5, 1935, a contest was filed in connection with the office of township trustee. In deciding the matter, the court set aside the election in so far as the two contesting candidates were concerned. This caused a vacancy in the board of trustees which, as the law provides, should be filled by appointment by a Justice of the Peace.

There are two Justices of the Peace in the township concerned, one of whom, (Mr. C.,) has served regularly for about