

be employed, and such other particulars as are necessary to explain and make manifest the objects and purposes of the company, and the manner in which it is to be conducted. Such directors and trustees must be stockholders or members, and the number thereof may be increased at the will of the stockholders representing a majority of the stock, or of a majority of the members, to not more than twenty-one."

I find no special provision on the subject of cumulative voting pertaining to legal reserve life insurance companies. Whether or not such a company, by virtue of section 9340, General Code, can, in its articles of incorporation, restrict, qualify or extend the right to vote cumulatively as provided in section 8623-50, it is unnecessary to decide, as the articles in question are silent on the matter of cumulative voting.

I am of the opinion therefore that where the articles of incorporation of a legal reserve life insurance stock company contain no provision with reference to the right to vote cumulatively, section 8623-50, General Code, applies, and the shareholders of such company have such right subject to the restrictions contained in said section.

Respectfully,
GILBERT BETTMAN,
Attorney General.

4833.

APPROVAL, BONDS OF OAKWOOD CITY SCHOOL DISTRICT, MONTGOMERY COUNTY, OHIO—\$14,500.00.

COLUMBUS, OHIO, December 21, 1932.

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

4834.

ANNEXATION OF TOWNSHIP TO MUNICIPALITY—TOWNSHIP CLERK MAY DEPUTIZE PERSONS TO SELL HUNTING LICENSES IN THAT PART OF TOWNSHIP ANNEXED TO CITY.

SYLLABUS:

1. *Territory of a township which has been annexed to a municipality does not cease to be a part of the township or townships within the limits of which it is situated, unless the entire township is so annexed, in which case the township organization is abolished for all purposes except the election of justices of the peace.*
2. *A township clerk may deputize persons to sell hunter's and trapper's licenses in that part of his township which has been annexed to a city.*

COLUMBUS, OHIO, December 21, 1932.

HON. WM. H. REINHART, *Commissioner, Division of Conservation, Columbus, Ohio.*

DEAR SIR:—This will acknowledge receipt of your request for my opinion in answer to the following question:

"Does a township clerk have the right to continue to depute a person to sell hunting licenses in that part of his township after it has been annexed to a city?"

The authority of a township clerk to issue hunter's and trapper's licenses is found in Section 1432 of the General Code, which reads in part, as follows:

"Hunter's and trapper's licenses shall be issued by the clerk of the common pleas court, village and township clerks. Whenever the township clerk deems it advisable, he may designate one or more deputies in his township to distribute hunter's and trapper's licenses."

When a portion of the territory of the township is annexed to a city or village, such annexation does not have the effect of causing the territory so annexed, to be withdrawn from the township, in so far as township affairs are concerned. The above proposition of law was definitely settled by the Supreme Court of Ohio many years ago. In the case of *State ex rel Halsey, et al. vs. Ward, et al.*, 17 O. S. 543, it was held as stated in the syllabus:

"On the organization of a city of the second class divided into wards, the boundaries of which city are not coterminous with those of any township, the territory within such city does not cease to be a part of the township or townships within the limits of which it is situate."

The above case was an action in quo warranto, in which the substantial legal question involved was whether or not the residents within the limits of an incorporated municipality within a township, had a right to vote in an election for township trustees for the township, or whether such trustees should be elected by the electors residing in the territory outside the corporate limits of said municipality. It was held that the electors residing within the municipality had a right to vote for township trustees for the township. In the course of the court's opinion it was said:

"Neither as a matter of theory or practice, is there any necessary difficulty in the existence and harmonious working of a civil township organization, and, at the same time, of a city organization within the limits of such township, or within the limits of more than one township; and the statutes no where provide, either expressly or by just implication, that, on the organization of a city within the limits of a township or townships, the territory within the city limits shall cease to be a part of the township or townships from which the same was taken. But there are clear indications of a contrary legislative intent. 2 S. & C. 1547, sec. 175."

Applying the doctrine of the foregoing case, and the statutes authorizing a township clerk to issue hunter's and trapper's licenses and to designate one or more deputies in his township to distribute those licenses, it clearly follows that if a township clerk deemed it advisable to appoint deputies to distribute licenses, such deputies might be appointed to distribute licenses in the territory of the township which had been annexed to the city. That territory is just as much "his township" as any other territory of the township.

The above case of *State ex rel Halsey, et al vs. Ward* was decided a number of years ago, but the statutes with reference to the incorporation of municipalities and the annexation of territory thereto have not been materially changed since the decision of that case, and I am of the opinion that the doctrine of the case still holds. It, of course, does not apply if one entire township is annexed to an adjoining municipality. In that case the township organization is abolished for all purposes except the election of justices of the peace.

I am therefore of the opinion in specific answer to your question that a township clerk has the right to continue to deputize persons to sell hunter's and trapper's licenses in that part of his township which has been annexed to a city.

Respectfully,

GILBERT BETTMAN,
Attorney General.

4835.

MEDICAL BOARD—ACCREDITED SCHOOL OF NURSING—REGULATION, DEFINING SUCH AS ONE CONNECTED WITH A HOSPITAL REQUIRING OHIO REGISTERED NURSES, VALID.

SYLLABUS:

The regulation of the State Medical Board defining a nurses' training school in good standing as a school connected with a hospital which requires nursing to be practiced therein by Ohio registered nurses, as adopted January 5, 1932, effective July 1, 1932, is a valid rule and not violative of any constitutional rights of those who may have theretofore matriculated in schools of nursing which are not in good standing as defined by such rule.

COLUMBUS, OHIO, December 22, 1932.

The State Medical Board, Columbus, Ohio.

GENTLEMEN:—Your letter of recent date is as follows:

“Under date of January 5th, 1932 the State Medical Board adopted an additional rule or regulation governing the practice of nursing in hospitals having accredited schools of nursing. A copy of this resolution reads as follows:

‘Accredited schools of nursing whose graduates will be candidates for the Ohio R. N. will hereafter (July 1st, 1932) be located or connected with hospitals which require nursing to be practiced by Ohio registered nurses. Such hospitals shall require nurses practicing therein to be Ohio registered. Pupil nurses enrolled in the training school are exempt from this requirement.’

This requirement was deemed necessary by the Board for the reason that a number of nurses registered in other states had accepted employment in accredited hospitals or were employed as teachers in accredited schools and were refusing to apply for registration in Ohio.

Following the promulgation of this requirement all accredited training schools sought to enforce it and at this time there remains but one individual who refuses to do so. The attached letter of Dr. Bachmeyer sets forth the problem in detail. The nurse who refuses to resign