"Every person elected to fill any office in which a vacancy has occurred shall hold such office for the unexpired term thereof."

In the case of Carson v. State, ex rel., Bath, 145 Ind. 348, at page 350, the court in discussing the above provision said:

"It is evident, from an examination of the title and body of this Act, that this section applies to all appointments made to fill vacancies in the offices created by the legislature, when no different provision therefor is made by the constitution or statute, whether such appointment is made by a single person or by the people at an election, or by any other body, as the legislature, the common council of a city, trustees of a town, or board of commissioners of a county."

Upon that basis, the court held that a person elected by the Common Council of the City of Tipton to fill out the vacancy in the office of an elected treasurer of the City of Tipton held for the entire unexpired term of the elected treasurer. It seems to me that the same rule would apply in this case, and I so hold.

FIRE MARSHAL, STATE: Fireworks displays, bond of licensee for damages, whether insurance policy sufficient.

August 23, 1939.

Mr. Clem Smith,
State Fire Marshal,
Indianapolis, Indiana.

Dear Mr. Smith:

I have your letter of August 22, 1939, relative to section 3, chapter 154, Acts of 1939.

You submit the following questions for an official opinion:

"It has been brought to my attention that as a matter of practice manufacturers of fireworks and those who present large displays carry property damage and public liability insurance, and also as a matter of common practice, prior to each display they have a rider placed on their policies giving the same coverage to the sponsors of the display. Where these conditions are

adhered to would you consider it a satisfactory compliance with the bonding clause of section 3, provided that satisfactory evidence of this insurance coverage be given the governing body of the municipality?

"Further, would a public liability and property damage insurance policy, instead of a bond, in the amount of at least five hundred dollars and deemed adequate by the governing body of the municipality be considered satisfactory compliance with section 3?

"In view of the fact that this section provides that the bond be approved by the governing body of the municipality, who would be considered said governing body in an incorporated city or town, and who would be considered the governing body where the display would be presented outside the limits of an incorporated city or town?"

Section 3 of said Act is as follows:

"The governing body of the municipality shall require a bond deemed adequate by the municipality from the licensee in a sum not less than five hundred dollars conditioned for the payment of all damages which may be caused either to a person or persons or to property by reason of the licensed display, and arising from any acts of the licensee, his agents, employees or sub-contractors."

If the licensee has property and liability insurance in the amount of $500.00 or more and conditioned for the payment of all damages which may be caused either to a person or persons or to property by reason of the licensed display, and arising from any act of the licensee, his agents, employees or subcontractors, this in my judgment would be a sufficient compliance with section 3. However, it is up to the governing body of the municipality to determine whether or not the bond submitted is adequate.

Construing section 3 with section 2 of the Act, I think the language, "The governing body of the municipality," means the chief of the fire department where the display is held in a city, the marshal of a town where it is held in a town and the sheriff of the county where the display is held outside the corporate limits of any city or town.