## **OPINIONS**

## OF THE

## **ATTORNEY GENERAL**

OF

## OHIO

FOR THE

## PERIOD FROM JANUARY 1, 1953 TO DECEMBER 31, 1953

Pages 1-892 Index 747-892 Opinions 2201-3378

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## ATTORNEYS GENERAL OF OHIO

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HENRY STANBERY	1846-1851
JOSEPH McCORMICK	1851-1852
GEORGE E. PUGH	1852-1854
GEORGE W. McCOOK	1854-1856
FRANCIS D. KIMBALL	1856-1857
C. P. WOLCOTT	1857-1861
JAMES MURRAY	1861-1863
LYMAN R. CRITCHFIELD	1863-1865
WILLIAM P. RICHARDSON	1865-
CHAUNCEY N. OLDS	1865-1866
WILLIAM H. WEST	1866-1870
FRANCIS B. POND	1870-1874
JOHN LITTLE	1874-1878
ISAIAH PILLARS	1878-1880
GEORGE K. NASH	1880-1883
D. A. HOLLINGSWORTH	1883-1884
JAMES LAWRENCE	1884-1886
JACOB KOHLER	1886-1888
DAVID K. WATSON	1888-1892
JOHN K. RICHARDS	
F. S. MONNETT	
J. M. SHEETS	
WADE H. ELLIS	1904-1908
U. G. DENMAN	
TIMOTHY S. HOGAN	1911-1915
EDWARD C. TURNER	. 1915-1917
JOSEPH McGHEE	
JOHN G. PRICE	
C. C. CRABBE	
EDWARD C. TURNER	. 1927-1929
GILBERT BETTMAN	
JOHN W. BRICKER	
HERBERT S. DUFFY	1937-1939
THOMAS J. HERBERT	
HUGH S. JENKINS	
HERBERT S. DUFFY	. 1949-1951
C. WILLIAM O'NEILL	. 1951-

# STAFF OF THE OFFICE OF THE ATTORNEY GENERAL 1953

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Joseph S. Gill	First Assist	ant Att	orney General
Robert E. Leach	Chief Coun	sel	
Evert E. Addison	Assistant A	ttorney	General
Sanford S. Arnoff	"	"	"
David V. Attig		"	"
William A. Banks, Jr		"	"
John R. Barrett Appointed September 22, 1953		"	"
Jack H. Bertsch		"	"
James M. Burtch, Jr		"	"
William A. CarrollAppointed October 1, 1953		**	**
John P. Case		"	"
R. DeWitt Colmery		**	"
Anthony M. DeJute Appointed October 15, 1953		""	"
James F. DeLeone		**	"
Joseph S. Deutschle, Jr Appointed June 22, 1953		"	"
Eagleton F. Dunn		"	"
Louis E. Evans		"	"
George H. Fell		"	"
5		"	"
Vincent C. Fornes		"	"
E. S. GallonResigned May 31, 1953		"	"
William Gemmill		"	"
Lake Giles		"	"
John W. Hardwick		"	"
John H. Hermanies		"	"
William E. Herron			"
Harris F. JacobsResigned September 1, 1953		"	
Kiehner Johnson		"	**
Hugh E. Kirkwood, Jr		""	"
Ralph Klapp		"	"
Henry P. Kosling Resigned April 1, 1953		"	"
Alvin I. Krenzler		"	"
Francis M. Krohn Appointed January 19, 1953	3 "	"	**
Franklin A. Kropp	46	"	"
Everett H. Krueger, Jr	<b>6</b>	"	**
Elanche E. Krupansky Appointed June 1, 1953	3 "	"	"
Robert B. Krupansky	"	"	"
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Clarence E. McLeod	"	"	"
Ralph N. Mahaffey	14	"	"
Robert S. Malaga Appointed September 22, 1953	**	"	"
Kenneth F. Manning Appointed May 4, 1953	"	"	"
Earl N. Merwin	44	"	"
Richard C. Minor Appointed June 1, 1953	"	**	"
Richard A. Morris	"	"	"
Gwynne B. Myers	"	"	"
Charles Neuger Appointed November 16, 1953	"	"	"
John E. Olsen	**	4	"
George F. Patterson, Jr	"	"	"
Michael J. Pavick	"	ci	"
Brown W. Pettit	"	"	"
Robert B. Rady	"	"	"
Hugh E. Sherer	"	"	"
John A. SkiptonResigned February 15, 1953	"	"	"
Larry H. Snyder	"	"	<b>44</b>
Paul Tague, Jr	"	"	"
Gus Tarian	"	"	"
C. V. Thomas	"	"	"
John M. Tobin	"	""	u
Arthur TollResigned March 1, 1953	"	**	"
Smith H. Tyler, Jr Appointed September 15, 1953	"	"	"
James M. Videan	"	"	"
Hugh D. Wait	<i>44</i>	"	"
Thaddeus N. Walinski	44	"	66
Theodore C. Walker Appointed October 5, 1953	"	"	<b>66</b>
Neva H. WertzAppointed November 2, 1953	"	"	"
Chalmers P. Wylie	"	"	"
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- 1. High school—Pupil residing in school district—No high school—May attend high school in another district under contract for schooling— Where no contract or designated school is more than three miles from residence, pupil may chose high school.
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- 1. High school—Pupil residing in school district—No high school—May attend high school in another district under contract for schooling— Where no contract or designated school is more than three miles from residence, pupil may choose high school.
- 2. Board of education may contract with another district to admit high school pupils where district has no high school-When high school pupil may choose high school-Expense for tuition-Section 4855-3 G. C.-Section 3327.04 R. C.-OAG 1951, opinion 552, page 292 modified.
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- 1. High school—Pupil residing in school district—No high school—May attend high school in another district under contract for schooling—Where no contract or designated school is more than three miles from residence, pupil may choose high school.
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- 1. Education, board of—Property owned, not needed for school purposes— Board may lawfully permit temporary use of property for purpose other than school use and accept money for use—Agreement should contain limitation any time property needed for school purposes, or if it should be sold, the right to the use of the premises by third parties would terminate.

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- Teacher under above conditions who is eligible under law for continuing contract, may be recommended by county superintendent for reemployment on continuing contract—By majority vote of membership, board of education may reject recommendation.

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- 3. No obligation under any circumstances for board of education to furnish transportation for high school pupils—Board authorized by Section 4855 G. C., Section 3327.01 R. C. to furnish transportation to any high school where board liable by contract or operation of law for tuition—Where no such liability, board, district of residence, not authorizel to furnish transportation .....

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- 2. The assets of fund, if any, on December 31, 1947, together with sum of \$1,000.00 multiplied by number of members in fund at time distribution of state fund is to be made, in or immediately following month of March each year, is to be the basis to compare assets of fund on next preceding 31st day of December.
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- 4. When governor fills vacancy—Office, Director of Health, by appointment when Senate not in session—Appointee, confirmed by Senate, next regular session, does not assume new term of office—Continues to hold office for full term to which he was previously appointed—Section 12 G. C.—Article II, Section 20, Constitution of Ohio.
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- 3. Sections repealed by Am. Sub. H. B. 267, 99 G. A. will not be revived— Provisions in absence of new legislation will not be in effect—Motor vehicles—Annual tax.....

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 Townships, several within state currently entitled to distribution of aggregate amount of \$500,000.00 from revenues collected under Sections 4501., 4503., 4505., 4507., 4509., 4511., 4513., 4515., 4517., R. C., or under prior analogous statutes—Period March 1, 1953, to November 6, 1953—Distribution to be made in ratio and in manner provided in Section 4501.04 R. C.— Township roads—Motor vehicle license tax—Sections 4501.04 R. C., 6309-2 G. C.

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