

the society toward the transfer of the title to this land to the county, but desire your opinion regarding the legal steps to be taken in effecting such transfer."

In considering the provisions of the act above set forth in connection with your statement of facts, the conclusion is irresistible that the title to the premises in question is in the trustees of Norwalk township. It is evident that the Huron county agricultural society referred to in the act is not the society which now desires to use the premises. Under the provisions of section 3 of the act the trustees are empowered to appropriate the lands for a public park, although such a procedure is not required. From your statement of facts it would seem that the premises have never been so appropriated, notwithstanding the agricultural society abandoned or failed to use said lands twenty-eight years ago.

Section 3281 of the General Code provides:

"The trustees may receive on behalf of the township, any donation by bequest, devise, or deed of gift, or otherwise, of any property, real or personal, for any township use. When the township has real estate or buildings which it does not need, for township purposes, the trustees may sell and convey any such real estate or buildings. Such sale must be by public auction and upon thirty days' notice thereof in a newspaper published, or of general circulation in such township."

In view of the foregoing, I am constrained to hold that there is no authority under existing law whereby the trustees of Norwalk township may dispose of the premises under consideration, except in the manner provided in section 3281 G. C., supra.

Undoubtedly, the trustees could be authorized by a special act of the legislature to transfer said premises to the county agricultural society or to the county commissioners, for fair purposes, to be controlled and managed by the county agricultural society. In the event that said premises are transferred by such authority, then of course, if the county society is properly organized and recognized as such by the secretary of agriculture, under such circumstances the county could extend aid under the provisions of section 9887-1 G. C., to which you refer.

Respectfully,

JOHN G. PRICE,
Attorney-General.

1904.

STATE BOARD OF PHARMACY—EDUCATIONAL REQUIREMENTS TO ENTER STATE SCHOOL OF PHARMACY DISCUSSED.

1. *Under section 1303-1 G. C. a diploma from a legally constituted high school, normal school or academy, issued after four years of study, is declared sufficient, and the holder thereof is not required to take an entrance examination to enter the state school of pharmacy.*

2. *The high school thus referred to means a first grade high school, as defined in section 7658 G. C., which requires sixteen courses for graduation. No specific provisions of law lay down similar requirements for graduation from a normal school or an academy; so that as to normal schools and academies, rules covering admission to the school of pharmacy without examination must be made.*

3. *Under section 1303-1 G. C., the state board of pharmacy may prescribe rules*

governing the sufficiency of requirements for entrance without examination to the school of pharmacy, but such requirements shall in no case exceed sixteen courses, pursued during four years of study. Nothing in said section provides that the board shall not accept fifteen courses, pursued during four years of study, as sufficient for entrance without examination.

COLUMBUS, OHIO, March 9, 1921.

HON. VERNON M. RIEGEL, *Superintendent of Public Instruction, Columbus, Ohio.*

DEAR SIR:—Receipt of your request is hereby acknowledged, which reads:

“The following is submitted to you for an opinion:

Section 7652 G. C. reads as follows:

‘A high school of the first grade shall be a school in which the courses offered cover a period of not less than four years, of not less than thirty-two weeks each, *in which not less than sixteen courses are required for graduation.*’

Section 7658 reads:

‘A holder of a diploma from a high school of the first grade may be admitted without examination to any college of law, medicine, dentistry, or pharmacy in this state, when the holder thereof has completed such courses in science and language as are prescribed by the legally constituted authorities regulating the entrance requirements of such college; except such institutions privately endowed which may require a higher standard for entrance examinations than herein is provided. After September 1, 1915, *the holder of a diploma from a first-grade high school shall be entitled to admission without examination to the academic department of any college or university which is supported wholly or in part by the state.*’

A high school may be accredited by the North Central Association of Colleges and Secondary Schools if it requires fifteen courses or units for graduation. There are no first grade high schools in Ohio that graduate on fifteen units because the statute as cited above (section 7652) requires sixteen units for graduation; but in some other states only fifteen units are required because it meets the demands of the North Central Association of Colleges and Secondary Schools for college entrance. The facts are, therefore, as follows:

A graduate of a first grade high school in Ohio must have successfully completed sixteen units of work and if such graduate is granted a diploma he shall be entitled to admission without examination to colleges and universities as provided in section 7658. The colleges and universities in Ohio supported wholly or in part by the state require fifteen units for admission. Although section 7652 provides that sixteen units shall be required for graduation from a first grade high school, and although section 7658 provides that the holder of a diploma from a first grade high school shall be admitted without examination to institutions of higher learning, as designated in said section 7658, these sections of the statute cited above have never been construed to mean that said institutions of higher learning shall *require* sixteen units for admission. Consequently they have designated fifteen as the number of units for admission.

Section 1303-1 G. C. reads as follows:

‘The state board of pharmacy shall appoint an entrance examiner who shall not be directly or indirectly connected with a school of pharmacy and who shall have received the degree of B. A. or B. Sc., and who shall determine the sufficiency of the preliminary education of the applicants for ad-

mission to a school of pharmacy in good standing as defined in section 1303-2 of the General Code, and to whom all applicants shall submit credentials.

The following preliminary educational credentials shall be sufficient: The equivalent of eight units as given in a high school of the state of Ohio and on and after January 1, 1920, a diploma from a legally constituted high school, normal school or academy, issued after at least four years of study; provided, however, that in the absence of the foregoing qualifications, the entrance examiner shall examine the applicant in such branches as are required to obtain them. Applicants desiring to enter a school of pharmacy in good standing as defined in section 1303-2 G. C. must submit certificates to the entrance examiner from their school authorities describing in full the work completed; provided, that in the absence of all or any part of the foregoing qualifications, the applicant must present himself before the entrance examiner for the scheduled examinations; provided further, that the applicants upon presentation of certificates from their school authorities or in case of examination, must pay in advance to the board of pharmacy a fee of three dollars. If the entrance examiner finds that the preliminary education of the applicant is sufficient, he shall issue to the applicant a certificate therefor which shall be attested by the secretary of the state board of pharmacy. The compensation of the entrance examiner shall be fixed by the state board of pharmacy.'

The section quoted immediately preceding provides among other things that the educational credentials of an applicant for admission to a school of pharmacy in good standing shall be sufficient if he is the holder of a diploma of a legally constituted high school, issued after at least four years of study which, in effect, means a first grade high school. A diploma from a first grade high school is, according to the provisions of section 1303-1, a guarantee that the educational credentials of the holder are sufficient for admission to a school of pharmacy in good standing as is a diploma a guarantee of admission to the holder thereof to institutions of higher learning as provided in section 7658.

QUERY No. 1. Is there anything in section 1303-1 that compels the Ohio State Board of Pharmacy to demand that schools of pharmacy, in order that they may be in good standing, shall require sixteen units of high school work for admission?

QUERY No. 2. Is there any provision in section 1303-1 to prevent a college of pharmacy from requiring fifteen units for admission which is the basis of admissions to other colleges as mentioned in section 7658?

QUERY No. 3. In section 1303-1 the following language is found: '*The following preliminary educational credentials shall be sufficient.*' Is the word '*sufficient*' in the above sentence to be construed in the light of all the surrounding facts to mean '*required*'?"

Section 7658 G. C., which you quote, in the last sentence thereof, contains a mandatory provision that after September 1, 1915, the holder of a diploma from a first-grade high school shall be admitted without examination to any college or university supported by state funds, to the academic department thereof. The last part of this section was added when it was last amended, in February, 1914. The remaining part of the section was left therein unchanged as when first enacted in 1902 (95 O. L. 116). The result is that the last sentence now renders the rest of the section, omitting the exception therein, inoperative.

Section 7652 G. C., also quoted by you, was enacted in 1902 as a part of section 4007-4 R. S., and after codification was given the present sectional number, but re-

mained otherwise unchanged. So that for a long time prior to September 1, 1915, the requirements for graduation from a first-grade Ohio high school were the same as thereafter. Yet before September 1, 1915, state supported colleges could require an entrance examination of holders of diplomas of first-grade high schools, unless by some method the college authorities knew "when the holder thereof has completed such courses in science and language" as the college entrance requirements demanded.

The evident intent of the legislature was that after September 1, 1915, all first grade high schools would have made their courses to include the courses of science and language referred to in the law, together with any other deficiency in meeting a certain standard to conform to the entrance requirements of state supported colleges. It is also evident that before September 1, 1915, there existed some reason for not giving full recognition to holders of first-grade high school diplomas on application to enter college, and that to remove any doubt or question as to the preparation of holders of such first-grade high school diplomas was to be accomplished before September 1, 1915, by making their training sufficiently extensive and thorough after that time to meet the then existing standards for college entrance requirements. In other words, a standardization of all high school courses was intended to be provided for and made.

An inspection and approval of high schools was also required to be made by the superintendent of public instruction at the same time that this section was amended. See section 7661 G. C.

The standard fixed by what your letter names as the North Central Association of Colleges and Secondary Schools requiring a minimum of fifteen courses for entrance requirements to college courses, was in common use among colleges for some years prior to the enactment of what is now section 7652 G. C., though this section fixes sixteen courses as a minimum for graduation from first-grade high schools.

If it be true that those who arranged for entrance to colleges had found that graduates of high schools having fifteen courses as a minimum had attained a sufficiently broad educational training during four years of effort to enable them to receive such graduates without entrance examinations into their college courses, certainly it may be said that a graduate of a first-grade Ohio high school providing sixteen courses is better qualified to be received at any college and better able to adjust himself to entrance requirements of any kind of college than one having taken but fifteen courses. This seems to have been the purpose of requiring sixteen courses as a minimum for a first-grade high school.

Many years ago colleges found it necessary to require entrance examinations of all persons seeking to be admitted to college. Often a preparatory school was kept up to fit those lacking the educational minimum to enter or for those who failed to pass the entrance examinations. Many colleges sent a representative to inspect high schools from which they received students seeking a college course. If the colleges were satisfied the inspected high school gave the proper training in the required minimum courses, they designated such high school as accredited or approved and received its graduates without entrance examinations. A kind of discrimination between high schools thus resulted for the reason that colleges could not afford to visit all of them or did not attempt to do so, and the graduates of those high schools that were inspected thereby gained an advantage over those not so fortunate.

By steadily adhering to the above described minimum courses and refusing entrance without examination to all except to graduates of accredited or approved high schools, the influence of college requirements was one cause that read like provisions into the Ohio school code, and now all first-grade Ohio high schools have become accredited schools, whose graduates may enter college without taking an

entrance examination. So it is believed that the purpose in requiring sixteen courses in a first-grade Ohio high school was to resolve any doubt as to the qualifications of its graduates to enter any college without entrance examination in favor of the applicant and against the college and not for the purpose of raising the minimum requirement for college entrance without examination.

Section 1303-1 G. C., quoted by you, and therefore omitted here, amended in 108 O. L., Part I, page 254, had, after amendment, no other change in the text except the following sentence, inserted after the words "of the state of Ohio," in the third line of the second paragraph, to-wit, "and on and after January 1, 1920, a diploma from a legally constituted high school, normal school or academy, issued after at least four years of study." This section was originally enacted as a supplemental section to 1303 G. C., on May 20, 1915.

A legally constituted high school having four years of study is a first-grade high school. Section 7652 G. C. A legally constituted normal school having at least a four years' course of study is nowhere defined or provided for in Ohio statutes, although it is required in section 7658, supra, that a normal school will admit the holder of a first-grade high school diploma without examination, if it may be assumed that such normal school may be classed as a college or university under that section. Otherwise the law does not attempt to specifically state what are the elements of a legally constituted normal school. Neither do the statutes provide for legally constituted academies as state institutions, although it is provided in section 359 G. C. that the superintendent of public instruction shall require a report from the head of each seminary, academy, or private school, furnishing the blanks for the information upon which he requires such report. No other provision of law is to be found relating to the legal status of academies.

Sections 9922 G. C. et seq. relate to colleges, universities and "other institutions of learning." The phrase "other institutions of learning" is sufficiently broad to cover seminaries, academies and other private schools, but does not specifically give their legal requirements. Section 9923 G. C. provides that no college or university shall confer a degree until the superintendent of public instruction has issued a certificate that the course of study which has been filed in his office warrants the issuing of such degrees. Sporadically, the law requires a sort of supervision of all educational institutions existing in the state by the superintendent of public instruction, evidencing an intention to have them correlated and standardized, and although the effort is weak and striated, the intent is plain.

Section 1303-1 G. C. is mandatory as to the appointment of an entrance examiner not connected with the school of pharmacy, to whom the credentials of applicants shall be submitted, and also as to what preliminary educational credentials shall be sufficient. On and after January 1, 1920, a diploma from a legally constituted high school, normal school or academy, issued after four years of study, is declared sufficient. This must mean a first-grade high school, but the meaning thereof as to normal schools and academies is indefinite and vague, because, as has been shown, there is no specific statement in the law as to what constitutes them. So that, as to academies and normal schools, some administrative regulation is required in keeping with a fair interpretation of the law governing them and the evident intent of the legislature to standardize their work by the indifferent supervision of the head of a state educational system, which the law does provide.

It is not believed that the law compels the state board of pharmacy to raise its entrance requirements to sixteen courses required of a first-grade high school, because that would result in discrediting many graduates of other schools within and outside of the state, whose graduates have now no difficulty in entering colleges represented by the college association mentioned by you in your letter, many of whom furnish courses at least as strong as that furnished by the college of pharmacy. Impliedly, the law intends that entrance requirements to the college of

pharmacy shall not exceed sixteen courses, but may be by regulation less than that number, at the discretion of the examiner. It does provide sixteen courses for a first-grade high school and that fixes the maximum for college entrance requirements, and the law declares that the holder of a first-grade high school diploma shall have sufficient educational credentials.

In direct reply to your first question, it may be said that there is nothing in section 1303-1 G. C. that compels the requirement of sixteen courses for admission to the college of pharmacy. And in reply to your second question it may be said that in view of the fact that fifteen courses pursued through four years of study has so long been the standard for college entrance requirements without examination, that in the absence of a specific mandatory provision of law directing the examiner of the school of pharmacy to require more, the presumption is, in law, against such intent. From the view thus taken of the law as found in this section, the answer to your third question depends largely upon the meaning of the words *sufficient* and *require*.

The following definitions are quoted from the Standard Dictionary :

Sufficient: (1) being of such quantity, number, force or value as to serve a need or purpose; being all that is needful or requisite; adequate; enough.

Require: (1) to demand or request something of, authoritatively; ask as a right; claim, insist upon.

From the Century Dictionary :

Sufficient: (1) suffice; equal to the end proposed; as much as is or may be necessary; adequate; enough.

Require: (1) to search for; seek; (3) to ask or claim as a right and by authority; demand, insist on having; etc.

Require is a verb; *sufficient* is a predicate adjective limiting "credentials" as used in the statute in the sentence, "the following preliminary educational credentials shall be sufficient." The word "required" is not used in section 1303-1 G. C. The sentence which we have just quoted may be paraphrased to read thus: The following preliminary educational credentials shall suffice, or shall be enough.

The examiner is permitted to require, demand or ask as a right that which is by law enough; or that which is, in cases not spoken of in the statute, deemed to be sufficient or enough by the rules of the board.

It is believed that the rules of the board may state that to be sufficient which does not exceed the maximum set up in the law, viz., the sixteen courses in section 7658 G. C., but that it may also decide that fifteen courses pursued through four years of study are sufficient for an applicant to avoid the entrance examination. The customary fifteen courses, commonly found satisfactory among colleges and sanctioned by long use, should have weight in determining what is sufficient and should not be lightly swept aside. But it cannot be said that "sufficient," as used in section 1303-1 G. C., was intended to mean "required." Yet what is deemed to be sufficient is to be required of those who would avoid an entrance examination.

Therefore, it is evident that *required* credentials and *sufficient* credentials represent different conceptions or ideas as you think of them. What is required to secure a first-grade high school diploma is declared sufficient, but that is more than is required to enter colleges generally, and this lesser degree of requirement is regarded as sufficient equipment with which to pursue these college courses successfully—has been proved to be enough by years of use and experience—so much so,

indeed as to have become a standard or custom in such matters in colleges and universities.

For the reasons thus stated, your third question is answered in the negative.

Respectfully,

JOHN G. PRICE,

Attorney-General.

1905.

SHERIFF—WHERE PERSON EMPLOYED TO WHITEWASH JAIL—
COUNTY COMMISSIONERS HAVE DISCRETION TO REFUSE TO
ALLOW FULL AMOUNT OF BILL.

Where the county sheriff employs one to whitewash a jail, and O. K's the bill presented for such labor, the county commissioners may, in their discretion, properly refuse to allow the full amount of the bill.

COLUMBUS, OHIO, March 9, 1921.

HON. MERVIN DAY, *Prosecuting Attorney, Paulding, Ohio.*

DEAR SIR:—Your letter of recent date is as follows:

“The sheriff of this county employed a man to whitewash certain rooms in the jail. The rooms are not what are called cells proper for the confinement of prisoners, but the inspector for the state board of health had on numerous occasions ordered the sheriff to have this done to put the building in a sanitary condition.

The sheriff approved the bill at the rate of sixty cents per hour. When it was presented to the commissioners they cut it to fifty cents per hour and allowed the bill.

QUESTION: Referring to section 3160 particularly, or to any authority which the sheriff might have under the law, do the commissioners have the right to cut this bill for this kind of work after it has been approved by the sheriff?

I might further add that the sheriff made no specific bargain with the workman about the work before the work was done as to the rate per hour that the work was to be paid for. The sheriff approved the charge after the work was done.”

Section 3160 G. C. provides:

“The sheriff shall visit the jail, and examine into the condition of each prisoner at least once during each month, and once during each term of the court of common pleas. He shall cause the cells and rooms used for the confinement of prisoners to be thoroughly whitewashed at least three times each year.”

In view of your statement that the inspector of the state board of health had required that the sheriff cause certain rooms to be whitewashed, together with the provisions of the foregoing section, it is evident that the sheriff in taking the action he did was fully within his powers.

In connection with your inquiry it would seem proper to consider the provisions of section 2460 of the General Code, as follows: