

The same method is to be followed in computing the total expenses in conducting a high school except that the divisor is the "average monthly enrollment." Section 7747 has been quoted to show the same deductions are to be made and to call attention to the different divisor to be used. Care must be taken that items chargeable to the conduct of an elementary school are separated from those chargeable to conducting high schools.

It is apparently the intent of this new law to establish painstaking businesslike care in running either an elementary or a high school and in the conduct of all the affairs of the public schools to the end that an equitable and just distribution of the cost of either kind of school shall be had. In this way all schools may be as good and as efficient as the capital of each district and the enterprise of its school authorities can make them, as a result of such a careful, efficient and businesslike management.

In the construction of these sections of the school law the legislative intent and the plain meaning of the language used is to be observed. In *Scheu vs. State*, 83 O. S. 146, the court says:

"In the construction of a statute the question is, what did the legislature mean by what it said, and not, what did it mean to say."

These statutes are unambiguous and clear in phrase and it is the intention to set out herein what is their meaning. Such discretion may be exercised in the items that are charged to what is known as cost of permanent improvement and repairs as circumstances in each case seem fairly to allow. But the items numbered two, three and four herein, which are to be deducted from the total expenditures for the school, allow of no discretion and must be copied from the county auditor's certificate of apportionment as furnished to the treasurer and clerk of each school district.

Respectfully,

JOHN G. PRICE,
Attorney-General.

1472.

APPROVAL, FINAL RESOLUTION FOR ROAD IMPROVEMENT IN
GEAUGA COUNTY, OHIO.

COLUMBUS, OHIO, July 29, 1920.

HON. A. R. TAYLOR, *State Highway Commissioner, Columbus, Ohio.*

1473.

APPROVAL, ARTICLES OF INCORPORATION OF THE RICHLAND
EQUITY FIRE & LIGHTNING PROTECTED MUTUAL INSURANCE
ASSOCIATION.

COLUMBUS, OHIO, August 3, 1920.

HON. HARVEY C. SMITH, *Secretary of State, Columbus, Ohio.*

DEAR SIR:—The articles of incorporation of the Richmond Equity Fire & Lightning

Protected Mutual Insurance Association, whose incorporation is authorized by section 9593 et seq. G. C. are returned to you herewith with my approval endorsed thereon.

Respectfully

JOHN G. PRICE.

Attorney-General.

1474

OPTOMETRY LAW—TERM PEDDLING AS USED IN SECTION 1295-29 G. C. OF SAID ACT DEFINED—WHEN NON-RESIDENTS ARE AND ARE NOT PERMITTED TO PRACTICE IN OHIO—SAID LAW NOT APPLICABLE TO PHYSICIAN PRACTICING UNDER AUTHORITY OF LICENSE ISSUED UNDER LAWS OF THIS STATE.

1. *The term "peddling" as used in section 1295-29 of the Optometry Act includes practicing optometry from door to door; that is, where the solicitation and optometrical treatment occur concurrently at the place of the patient, rather than at any fixed place of business of the optometrist. Such term excludes the act of merely soliciting patients or customers to come to such place of business for such treatment.*

2. *Under section 1295-32 non-residents not possessing the educational qualifications required by the state of Ohio are not eligible to take the standard optometrical examination, but such non-residents who have been practicing in their own state for two full years immediately prior to the passage of such act, and are of good moral character, shall be entitled to take the limited examination provided for in that section.*

3. *A physician practicing under authority of a license issued under the laws of this state is exempt from all of the provisions of such act.*

COLUMBUS, OHIO, August 3, 1920.

The Ohio State Board of Optometry, Columbus, Ohio.

GENTLEMEN—Acknowledgment is made of the receipt of your request for the opinion of this department, as follows:

"This department requests an opinion from your office in regard to the following questions, which have come to us from optometrists throughout the state in regard to interpretation of different sections of the law, known as house bill No. 240, found in 108 O. L. 73.

1. Section 1295-29. What constitutes peddling? Is soliciting—sending out men to make a canvass for business, peddling?

2. Section 1295-32. Are non-residents, who have been in practice in their own state prior to the passage of this act, eligible to take the Ohio standard examination, when they do not meet with the educational qualifications for same?

3. Section 1295-33. Can a physician, who is exempted by this law, from examination, advertise himself as an *optometrist*? Or is this term restricted to those who are licensed under the law?"

Section 1295-29, involved in your first inquiry, in part provides:

"Peddling from door to door, is specifically forbidden under penalty of revocation of said certificate by said board."