

1513.

APPROVAL, BONDS OF SUNSBURY TOWNSHIP RURAL SCHOOL DISTRICT, MONROE COUNTY—\$58,000.00.

COLUMBUS, OHIO, January 4, 1928.

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

1514.

DISAPPROVAL, BONDS OF WAYNESBURG VILLAGE SCHOOL DISTRICT, STARK COUNTY—\$70,000.00.

COLUMBUS, OHIO, January 4, 1928.

Re: Bonds of Waynesburg Village School District, Stark County, \$70,000.00.

The Industrial Commission of Ohio, Columbus, Ohio.

GENTLEMEN:—The transcript relative to the above issue of bonds shows that the notice of election, to be held on November 2, 1926, was published in The Sandy Valley Press for three consecutive weeks beginning September 30, 1925. Section 5649-9b, General Code, which was in effect at the time said election was held, required publication of the notice of election to be made "once a week for four consecutive weeks prior thereto." The transcript further shows that notices of the election were posted in five conspicuous places in the district for a period of thirty days prior to the election and that additional publicity was given to the election by way of circulating letters and notices among the voters of the district, newspaper publication, etc.

In the case of *State vs. Kuhner & King*, 107 O. S. 406, the second branch of the syllabus reads:

"The requirement of Section 1206, General Code, that 'the state highway commissioner shall advertise for bids for two consecutive weeks,' is mandatory, and a contract entered into on June 14, after advertisement in two weekly newspapers of the county on June 6 and June 13, is invalid."

In that case the court, construing the language of the section requiring the state highway commissioner to "advertise for bids for two consecutive weeks," said on page 415:

"In our opinion the word 'for' has some significance as used in this statute, and applying the dictionary meaning thereof, which seems to us clearly indicated by the context as that most likely meeting the intent of the legislature, such advertisement is required 'during the continuance of' or 'throughout' the period of two weeks."

I am not unmindful of the case of *City of Cincinnati vs. Puchta, Mayor*, 94 O. S. 431, in which the court held the publication of a notice of election for four weeks, covering a period of twenty-six days prior to the election, a legal compliance with Section 3946, General Code, which required thirty days' notice of the election in one or more newspapers printed in the municipality once a week for four consecutive weeks prior thereto. The Supreme Court held the election valid on the ground that there was no allegation that anybody was denied the right to vote by reason of the statute not being literally complied with.

While I am not entirely satisfied that in the instant case a court would hold the election illegal because of the fact that Section 5649-9b, General Code, was not literally complied with in the matter of newspaper publication of the notice of election, I feel that the pronouncement of the Supreme Court in the *Kuhner & King* case, *supra*, raises a sufficient doubt as to the validity of the election to require me, in the absence of a holding by a proper court to the effect that failure to so comply did not make the election invalid, to advise you not to purchase the above issue of bonds.

Respectfully,
EDWARD C. TURNER,
Attorney General.

1515.

SCHOOLS—TRANSPORTATION OF ELEMENTARY PUPILS—RULE FOR
COMPUTATION OF DISTANCE.

SYLLABUS:

In determining the distance which a pupil lives from the school to which he has been assigned, within the meaning of Section 7731, General Code, the distance should be computed by beginning at the door of the school house which would be the most accessible to the pupil in traveling from his home "by the nearest practicable route for travel accessible to such pupil", thence by the regularly used path to the center of the highway, thence along the center of the highway (which is the nearest practicable route for travel accessible to such pupil) to a point opposite the entrance to the curtilage of the residence of the pupil, or, if the curtilage of the residence of the pupil does not extend to the highway, to the path or traveled way leading to the entrance to such curtilage, thence to the entrance of the curtilage, along the path or traveled way to said entrance.

COLUMBUS, OHIO, January 4, 1928.

HON. JOHN K. SAWYERS, JR., *Prosecuting Attorney, Woodsfield, Ohio.*

DEAR SIR:—Permit me to acknowledge receipt of your communication requesting my opinion, as follows:

"A matter has arisen growing out of a transportation case filed against a district school board in this county on which I desire your opinion for the reason that it will be of practicable importance in determining numerous similar cases which are on the point of being filed in the event the instant case is decided adverse to the contention of the local school board.

The proposition involves the interpretation of Section 7731-4 of the General Code of Ohio relative to the transportation of elementary pupils