

employed for said purpose in those cases wherein the state architect's office was not in position to furnish the service.

It has frequently been held that architectural service is a proper item to be charged against the appropriation for a given building fund. In fact the state architect's office reimburses its rotary fund from appropriations made for the construction of buildings to the various state departments. Under this method each department is billed for the architectural service furnished to it in connection with a given construction and the same is paid as any other item in the cost of construction.

You are therefore specifically advised that in my opinion the Adjutant General may employ an independent architect under the provisions of Section 2314 of the General Code, to perform the services as required in said section, in connection with the construction of an armory.

Respectfully,

GILBERT BETTMAN,  
*Attorney General.*

1508.

TOWNSHIP ROAD—PORTION BOUNDED ON BOTH SIDES BY STATE PROPERTY—MAINTAINED PRIMARILY BY TOWNSHIP TRUSTEES.

*SYLLABUS:*

*A public road within a township, which has not been established as a county road or as a state highway, remains a township road. The fact that such highway leads to a state institution and the state owns land on either side thereof for half a mile in nowise affects its status.*

COLUMBUS, OHIO, February 10, 1930.

HON. R. S. CUNNINGHAM, *Prosecuting Attorney, Lancaster, Ohio.*

DEAR SIR:—Acknowledgment is made of your communication which reads:

“The State of Ohio has purchased about 200 acres of additional land for the use of the Boys Industrial School in this county.

Through this land runs a township road. The State, by the new purchase, owns the land on each side of this road for about a half mile. The superintendent of the school has asked the township trustees to repair and maintain this portion of the county road and the township trustees feel that that is a duty devolving upon the school.

May we have your opinion as to who is responsible for the care, repair and maintenance of this section of the road?”

Section 7464 of the General Code defines the various classes of highways or roads within the state in the following language:

“The public highways of the state shall be divided into three classes, namely: State roads, county roads and township roads.

(a) State roads shall include the roads and highways on the state highway system.

(b) County roads shall include all roads which have been or may

be established as a part of the county system of roads as provided for under Sections 6965, 6966, 6967 and 6968 of the General Code, which shall be known as the county highway system, and all such roads shall be maintained by the county commissioners.

(c) Township roads shall include all public highways of the state other than state or county roads as hereinbefore defined, and the trustees of each township shall maintain all such roads within their respective townships; and provided further, that the county commissioners shall have full power and authority to assist the township trustees in maintaining all such roads, but nothing herein shall prevent the township trustees from improving any road within their respective townships, except as otherwise provided in this act."

From the above section, it appears to be clear that all public highways of the state other than state or county roads are township roads. It further is clear that it is the duty of the township trustees to maintain all such roads within their respective township. Your question, of course, depends upon whether a road has been established as a state or county road and does not depend upon who owns the land on either side thereof. By the terms of the section above mentioned, the road in question will remain a township road until it has become a part of the county system or part of the state system.

Therefore, in specific answer to your question, it is my opinion that where there is a public road within a township which has not been established as a county road or a state highway, such road remains a township road. The fact that such a highway leads to a state institution and the state owns land on either side thereof for a half a mile in nowise affects its status.

Respectfully,  
GILBERT BETTMAN,  
*Attorney General.*

1509.

DIRECTOR OF EDUCATION—POWER TO REQUIRE THAT FIRST GRADE HIGH SCHOOL HOLD NINE-MONTH SCHOOL TERMS UNDER PENALTY OF REDUCTION TO SECOND OR THIRD GRADE.

*SYLLABUS:*

*The director of education is empowered by authority of Section 7651, General Code, to prescribe standards for first, second and third grade high schools, in addition to those prescribed by Sections 7652, 7652-1, and 7653, General Code.*

COLUMBUS, OHIO, February 10, 1930.

HON. DAVID CREGER, *Prosecuting Attorney, Upper Sandusky, Ohio.*

DEAR SIR:—This will acknowledge receipt of your request for my opinion which reads as follows:

"I would like to submit for your opinion the following question:

'If a first grade high school is meeting all the requirements of Section 7653, and requires for graduation the completion of sixteen units of one