

quires for admission for the degree of M. D., to such institution, a preliminary education equal to that required for graduation from a first-grade high school in this state, or a diploma or license approved by the board which conferred the full right to practice all branches of medicine or surgery in a foreign country."

It will be noted that section 1270 provides that the entrance examiner of the State Medical Board shall determine the sufficiency of the preliminary education of applicants for admission to examination. This section further provides that certain preliminary educational credentials shall be sufficient. Among the educational credentials which shall be deemed sufficient will be found "a diploma from a legally constituted normal school, high school or seminary, issued after four years of study." The statute further provides that in the absence of the foregoing qualifications, the entrance examiner may examine the applicant in such branches as are required for graduation from a first class high school of this state. It will be noted that the only qualification of any of the preliminary educational credentials which shall be sufficient is the one relating to a legally constituted normal school, high school or seminary, and this qualification is, "issued after four years of study."

If the use of the words "issued after four years of study" was not intended as a qualification of such a diploma, it would be superfluous and nothing would be added to the requirement by providing that it should be issued after four years of study. If this is a qualification, then it would be permissible for the entrance examiner to go back of the diploma and determine whether it was issued after four years of study. If the use of the words "issued after four years of study" was for the purpose only of designating a high school as a first class high school, the statute could have said so in so many words and it would have been much clearer as to the intent.

It is believed that the only diploma from a legally constituted high school which can be accepted as sufficient for a preliminary educational credential can be a diploma which is issued after four years of study. As the diploma itself would not show whether the same was issued after four years of study or not, the only way this matter could be determined would be by the entrance examiner.

It is therefore my opinion that under section 1270, General Code, the entrance examiner may refuse to accept a certificate of graduation from a legally constituted high school if his examination shows that same was not secured after a four year course of study.

Respectfully,

C. C. CRABBE,

*Attorney General.*

2376.

OBSERVANCE OF MEMORIAL DAY—MUNICIPALITY MAY MAKE APPROPRIATION TO PAY EXPENSES OF OBSERVANCE UNDER PROVISIONS OF SECTION 2503 G. C.

**SYLLABUS:**

*Under the provisions of Section 2503 of the General Code, any municipality may co-operate in the observance of Memorial Day with the township within which it is located, or with the county, and may make an appropriation in any amount council may deem necessary to pay the expenses of its co-operation in such observance of*

*Memorial Day, the appropriation therefor to be disbursed by the municipality in the manner in which its other valid current obligations are paid.*

COLUMBUS, OHIO, April 13, 1925.

*Bureau of Inspection and Supervision of Public Offices, Columbus, Ohio.*

GENTLEMEN:—This will acknowledge receipt of your request, which reads:

“Section 2503 General Code, provides that any municipality located within a township may co-operate with such township or with the county in observing Memorial Day and the council thereof may make the necessary appropriation therefor.

“Question: May a municipality pay a part of the expenses incurred by a Post of World War Veterans in observing Memorial Day when the township and county also assume a part of such expenses?”

Section 2503 of the General Code reads as follows:

“The commissioners of a county, annually, upon request of the officials thereof, may appropriate to each post of the Grand Army of the Republic, to each camp of the Spanish War Veterans, and to each camp or post of any organization of veterans of the world war against the Central Powers of Europe, in the county, the sum of fifty dollars to aid in defraying the expenses of Memorial Day, and whenever any post or camp is combined with another post or camp, or when a post or camp is now composed of two or more posts or camps combined, then such appropriation to each post or camp shall be made to include an amount for each original post or camp the same as before they were so combined. The township trustees may, on or before the 15th day of May in each year appropriate a sum not to exceed Twenty-five Dollars from the general expense fund of the township for the purpose of properly observing Memorial day within the township, and if any post or camp of any organization of veterans who have served in any war in the service of the United States, is located within such township, such appropriation shall be made to such post or camp. Any municipality located within a township may co-operate with such township or with the county in observing Memorial day, and the council thereof may make the necessary appropriation therefor.”

It will be observed that the county commissioners may appropriate Fifty Dollars to each camp or post of any organization of veterans of the world war in the county upon the request of the officials of said post to aid in defraying the expenses of Memorial day exercises and that the township trustees may on or before May 15th in each year, appropriate not to exceed Twenty-five Dollars for the purpose of properly observing Memorial day within the township, and if there be a post or camp of any organization of veterans who served in any war in the service of the United States, said appropriation shall be made for such post or camp.

The statute provides that a municipality located within a township may co-operate with such township or with the county in observing Memorial day and council may make the necessary appropriation therefor.

It is to be observed that the amount of the appropriation which council may make for its participation in the observance of Memorial day is not limited as is that which may be made by the county for each post or by the township for the posts in said township.

Council is authorized to appropriate for its co-operation in Memorial day exercises with either the township, if located within a township, or with the county.

It is safe to say that most, if not all, municipalities are within a township. Some municipalities have a township, the area of which is co-extensive with that of the municipality and such municipalities usually maintain only a part of the township organization in such township by electing only justices of the peace and constables or justices of the peace only.

Consequently it may be assumed that all municipalities are within a township within the meaning of Section 2503 of the General Code. The purpose of the statute is to enable municipalities to join with the township in which they are located or with the county in a proper observance of Memorial day and the statute assumes that a municipality will pay for the part it proposes to take in such observance in either case.

Whatever sum may be appropriated by a municipality in either instance, being the amount deemed necessary by council for its share of such observance, every appropriation may be used for the purpose for which it was intended in any manner council may direct, so long as it is paid for the purposes for which appropriated upon bills duly presented, approved and passed by council after the manner in which it pays other valid obligations against the municipality.

Your question, therefore, is answered in the affirmative, and it is the opinion of this department that a council of a municipality may make any appropriation it deems necessary for the part it will take in the observance of Memorial day, disbursing said appropriation in the manner in which other valid obligations of the municipality are paid.

Respectfully,  
C. C. CRABBE,  
*Attorney General.*

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2377.

APPROVAL, BONDS OF JACKSON TOWNSHIP, RURAL SCHOOL DISTRICT, DARKE COUNTY, \$25,000.00.

COLUMBUS, OHIO, April 13, 1925.

*Department of Industrial Relations, Industrial Commission of Ohio, Columbus, Ohio.*

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2378.

APPROVAL, BONDS OF VILLAGE OF NORTH OLMSTEAD, CUYAHOGA COUNTY, \$17,500.00.

COLUMBUS, OHIO, April 15, 1925.

*Department of Industrial Relations, Industrial Commission of Ohio, Columbus, Ohio.*