

distinct matters, *the privilege of the pupil being broader than the obligation of the board.*"

Bearing upon tuition rates which might be charged, the court held on pages 212-213 that "we cannot look to the provisions of Section 7747 to ascertain the rate of tuition to be charged" in those cases which fall under 7750 and are not the districts described in section 7747 G. C. The court held that neither 7750 nor any other section of the statute prescribes any method of determining the amount of tuition to be paid by districts in which a high school was maintained but from which district certain pupils by preference attended another high school, located in another district; that unless the boards of education were in those districts described in 7747 G. C. the boards "must meet the terms prescribed by the board of education of the district maintaining the high school attended" and that the provisions of section 7682 G. C., *supra* would govern.

After considering all of the sections of the statutes having to do with matters of this kind, the court pointed out that the conflict which might exist in the existing statutes was a matter for legislative correction rather than judicial interpretation, the court speaking as follows:

"The condition of the provisions we have been considering serves to illustrate the usual results of the scissors-and-paste method of legislation too frequently employed. Whatever the cause of the present condition of the statute, if a correction is to be made it should not be accomplished by a forced construction of the provisions of the school code by the courts. That is purely a matter of legislation, and is solely within the province of the legislature."

In reply to your inquiry you are therefore advised that it is the opinion of this department:

(1) That under existing law there is no authority for a board of education conducting a high school to refuse to admit to the high school conducted by it any pupil holding a diploma showing completion of the elementary school work, where such pupil's tuition is paid or will be paid.

(2) Where boards of education refuse to pay tuition already past due, the remedy of the creditor board of education is in an action in the courts for the amount accrued. Final judgment against the school district shall be paid from a separate fund to be known as the "Judgment Fund" to be created as set forth in 2295 G. C.

Respectfully,

JOHN G. PRICE,

Attorney-General.

3849.

APPROVAL, BONDS OF VILLAGE OF OAKWOOD, MONTGOMERY COUNTY, \$4,600, STREET IMPROVEMENTS.

COLUMBUS, OHIO, December 30, 1922.

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