

person in charge of such child would be justified in transporting the child, if the board failed to provide the transportation, and recovery could be had against the board for the reasonable value of the transportation so furnished by the parent or person in charge of the child.

Under such circumstances a quasi-contractual obligation arises in favor of the person furnishing the transportation and against the school board upon which the obligation rested to furnish the transportation which quasi-contractual obligation must be recognized.

A very similar situation was passed upon by the Supreme Court in the case of *Sommers v. Board of Education*, 113 O. S., 177. At that time school boards were required by statute to furnish high school facilities within four miles of their homes or provide transportation to a high school or board and lodging near a high school. A certain school board had failed in this respect, the parent furnished the transportation and sued the board for the reasonable value thereof. The court said, on page 183 of the last-mentioned volume:

"The parent has discharged the obligation first of the local school board and next of the county school board. Moreover, this duty was imposed upon the board partly for the parent's benefit, as well as for the benefit of the children and of the public. As the performance of that duty by another is a benefit to the school boards, when he performed the duty the parent conferred a benefit upon the school boards. For this benefit the school boards ought in justice to pay, and hence the intervenor, that is, the parent who performed the duty, is entitled to compensation therefor."

When the parent or person in charge of such a child furnishes the transportation the provisions of section 7731-3, General Code, need not in my opinion, be complied with. I am also of the opinion that the terms of section 7731-3, General Code, are not applicable where the transportation of crippled children as provided by Section 7755-3, General Code, is involved unless those children are conveyed in the regular motor van or school wagon provided by the board for the transportation of school children generally.

Respectfully,

GILBERT BETTMAN,

Attorney General.

3173.

APPROVAL, BONDS OF VILLAGE OF MACEDONIA, SUMMIT COUNTY,
OHIO—\$18,000.00.

COLUMBUS, OHIO, April 22, 1931.

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

3174.

APPROVAL, ABSTRACT OF TITLE TO LAND OF WILLIAM J. O'BRIEN
AND ELLA CROWE IN UNION TOWNSHIP, SCIOTO COUNTY, OHIO.

COLUMBUS, OHIO, April 23, 1931.

HON. CARL E. STEEB, *Secretary, Ohio Agricultural Experiment Station, Columbus, Ohio.*