

3080.

APPROVAL, BONDS OF JACKSON RURAL SCHOOL DISTRICT, ALLEN COUNTY, OHIO—\$16,200.00.

COLUMBUS, OHIO, March 23, 1931.

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

3081.

APPROVAL, DEED FORM OF A DEED CONVEYING TO THE BALTIMORE AND OHIO SOUTHWESTERN RAILROAD COMPANY, MIAMI AND ERIE CANAL LANDS IN CITY OF CINCINNATI, OHIO.

COLUMBUS, OHIO, March 23, 1931.

HON. A. T. CONNAR, *Superintendent of Public Works, Columbus, Ohio.*

DEAR SIR:—This is to acknowledge receipt of your communication of recent date, submitting for my examination and approval a deed form of a deed to be executed by the Governor conveying to the Baltimore and Ohio Southwestern Railroad Company parcel No. 159 of Surplus Miami and Erie Canal lands relinquished by the city of Cincinnati to the state of Ohio, under the act of the 87th General Assembly, passed April 20, 1927, 112 O. L. 210. The parcel of land to be conveyed by said deed is more particularly described in said deed form as follows:

“A tract of land in the City of Cincinnati, Section No. 27, Millcreek Township, Hamilton County, Ohio, lying east of and adjacent to part of Lot No. 168 of E. Knowlton's Subdivision, and bounded and described as follows:—Beginning at the intersection of the west State line of the Miami and Erie Canal land with the north line of said Lot No. 168, said intersection being 162.95 feet east of the east line of Ludlow Avenue, thence east 28 feet more or less along the extension of the north line of said Lot No. 168 to a line which is 30 feet west of and parallel with the center line between tracks of the Rapid Transit System, thence southwestwardly 51 feet more or less along said line which is 30 feet west of the center line of the Rapid Transit System to the extension of a line which is 50 feet south of and parallel with the north line of said Lot No. 168, said 50 feet measured along the east line of Ludlow Avenue, thence west 28 feet more or less along the extension of said line which is 50 feet south of the north line of said Lot No. 168 to the west State line of the Miami and Erie Canal land at a point 150.78 feet east of the east line of Ludlow Avenue, thence northeastwardly 51.45 feet along said west State line to the place of beginning, and being part of Miami and Erie Canal State land and containing approximately 1393 square feet.”

Under section 9 of the act above referred to, you are authorized to sell this and other parcels of Surplus Miami and Erie Canal lands, subject to the approval of the Governor and the Attorney General. Inasmuch as the proceedings relating to the sale of this property and the form of the deed to be executed by the Governor conveying this property to the above named grantee are in

all respects regular and in conformity with law, the sale of this property by you is hereby approved by me, and my approval is accordingly endorsed on the deed form which is herewith returned.

Respectfully,
GILBERT BETTMAN,
Attorney General.

3082.

TUITION OF PUPIL—MEASUREMENT OF DISTANCE—DIFFERENT
HIGHWAYS AVAILABLE—MEANING OF “MOST DIRECT ROUTE”
IN ASCERTAINMENT OF FOUR-MILE LIMITATION.

SYLLABUS:

The expression “more than four miles by the most direct route of public travel” as used in section 7748, General Code, means four miles over a public highway that is open to public travel and is capable of being travelled by the use of any one of the various types of vehicles in common use for the transportation of passengers.

COLUMBUS, OHIO, March 23, 1931.

HON. V. F. ROWLAND, *Prosecuting Attorney, Cadiz, Ohio.*

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

“I desire your opinion in the following G. C. Sec. 7748. In said above Sec. the following appears: ‘A board of education may pay the tuition of all high school pupils residing more than four miles by most direct route of public travel from the high school provided by the board when such pupils attend a nearer high school.’

Opinion desired by the board of education of Shortcreek Township, Harrison County, Ohio.

Statement of facts: In present case the most direct route is less than four miles, however it is over mud roads which are impassable in winter.

The other route is over good hard surface road. Please let us have your opinion as to the phrase ‘Most direct route.’”

The expression “by the most direct route of public travel” as used in that portion of Section 7748, General Code, quoted by you has not been construed by the courts so far as reported decisions show, nor has it been definitely passed upon by this office.

Several former opinions of this office have dealt with questions arising under other statutes relating to the manner of measuring the distance school pupils must travel in going to and from school. In an opinion found in the Opinions of the Attorney General for 1928, at page 7, it is said in the 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,