

ings constructed, equipped and decorated prior to the amendment of Section 3068 in 109 Ohio Laws, continue to be under the jurisdiction of the county commissioners as provided in Section 3068 prior to such amendment.

Respectfully,
GILBERT BETTMAN,
Attorney General.

300.

VEHICLE—STOPPING ON A ROAD OR HIGHWAY—SECTION 6310-27,
GENERAL CODE, CONSTRUED.

SYLLABUS:

The stopping of a vehicle on a road or highway with front and rear right wheels within one foot of the right hand side of the improved portion of the road may be a violation of Section 6310-27, General Code, if the vehicle stopped in this manner obstructs free passage of the highway. Whether or not such stopping obstructs the free passage of the highway depends upon the surrounding circumstances in each particular case.

COLUMBUS, OHIO, April 13, 1929.

HON. J. CARL MARSHALL, *Prosecuting Attorney, Xenia, Ohio.*

DEAR SIR:—I am in receipt of your communication of March 1st, 1929, copy of which is as follows:

“Mr. Ohmer Tate, sheriff of Greene County, Ohio, requested an opinion of me as to the meaning of Section 6310-27 of the General Code which is as follows:

‘No vehicle shall stop on any road or highway except with front and rear right wheels within one foot of the right hand side of the improved portion of the road, nor in any such way as to obstruct a free passage of the road; provided that nothing in this section shall be held to apply whenever a driver of a vehicle is compelled or permitted to stop by reason of other lawful regulations or emergencies.’

The portion in particular in which he wanted to know the meaning is from the beginning of the section to the word road in the fifth line. My opinion to him was that a person could lawfully stop his machine on the right side of the highway with the front and rear right wheels one foot in from the right hand side of the improved portion.”

In your communication you request an opinion from me as to the meaning of the following part of Section 6310-27, General Code:

“No vehicle shall stop on any road or highway except with front and rear right wheels within one foot of the right hand side of the improved portion of the road.”

In order to determine the meaning of the portion of the section to which you refer, it is necessary to consider it together with the language that immediately follows, viz: “nor in any such way as to obstruct free passage of the road;”. It appears to me that “in any such way” refers to that portion of the statute which reads: “with front

and rear wheels within one foot of the right hand side of the improved portion of the road," because preceding the words "in any such way" there is no other way described in the statute that a vehicle may stop upon the highway. "Such" is defined in Webster's International Dictionary as meaning "like" or "similar". Therefore, if a vehicle stops on a highway in a manner described in the statute, so as to obstruct free passage of the highway, it is a violation of this section.

I am of the opinion that the Legislature did not intend to prohibit a vehicle from stopping on the highway, for it prescribed the manner in which it should stop, but it did intend to prohibit the stopping of the vehicle upon the highway in any manner which would obstruct the free passage of the highway.

The stopping of a vehicle on a highway with rear and front right wheels one foot from the edge of the improved highway does not except the person from a violation of this section unless the circumstances are such in each particular case that such stopping does not obstruct free passage of the highway.

Respectfully,

GILBERT BETTMAN,
Attorney General.

301.

SURETY BOND—SECURING SCHOOL MONEYS IN DEPOSITORY BANK—
DEFAULT OF PRINCIPAL—SUIT AGAINST DECEASED SURETY'S
ESTATE BEFORE SURVIVING OBLIGORS UNNECESSARY.

SYLLABUS:

Whether the obligation of a bond taken by the board of education of a school district to secure it in the deposit of school moneys in a depository bank is joint or joint and several in its obligation as to the principal and sureties thereon, it is not necessary for such board of education, on default of the depository bank, to institute an action against the estate of a deceased surety on the bond before proceeding against the surviving obligors to recover the amount due on such bond.

COLUMBUS, OHIO, April 13, 1929.

HON. CHARLES T. STAHL, *Prosecuting Attorney, Bryan, Ohio.*

DEAR SIR:—This will acknowledge receipt of your recent communication which reads in part as follows:

"I would like to have your opinion on the following matter:

The Stryker public schools of Stryker, Ohio, including the surrounding territory, had a certain amount of money deposited in the old State Exchange Bank of Stryker, now under liquidation; and to secure the same the directors of said bank signed the bond.

Arrangements were made whereby the seven bondsmen were to take care of their equal shares and six of them paid in when a Mr. J., the other bondsman, died suddenly and his share was never paid.

My opinion to the board of education of said school was to the extent that the remaining six bondsmen would have to take care of the share of Mr. J. and if not we could proceed against them in court.

I think that Mr. J. left some estate and the board wants to know, as well