

the construction determined from the context and the apparent object to be accomplished by the enactment.

From a consideration of the definitions of the word "actual" as quoted, it is believed that the use of the same as occurring in section 7681 G. C. is intended to require an actual or real residence of the parent or person standing in *loco parentis* to the pupil within the school district, and that such a residence requires the physical presence and dwelling of such a person for the time being at least, within said school district.

It is apparent from such a construction, that your first question may be answered by the general statement that if the parent in question has established a residence in a given school district, and is actually dwelling there for at least the time being, his child is eligible to the free tuition provided by section 7681 G. C. It is obvious, also, that such an answer renders unnecessary a consideration of the question of the liability of any board of education for the tuition in question.

Proceeding to your second question, to wit: "Is a man's school residence necessarily where he holds his voting residence?" It is thought that the same question may be transposed without alteration of meaning as follows: Does a person's voting residence connote his school residence? That is to say, does residence for election or suffrage purposes determine the residence for school or educational purposes?

Paragraph 1 of section 4866 G. C. defines generally the requirements of "residence" of the voter or elector, and it is chiefly noted that the most essential element of such residence is *the intention of the voter*; that is to say, his *intention primarily* may be said to fix the place of his permanent residence or habitation.

In similar vein paragraph 8 defines the acquisition of a new residence, based upon the fact of removal, and holding that it shall avail nothing without the intention. Thus it may be said that the "residence" of one seeking to exercise the privileges of suffrage is a fixed or permanent residence or habitation, a domicile or legal residence limited and controlled chiefly by the intention of the elector to fix and determine the particular place or locality, as his permanent residence or abode, and to which, whenever absent, he has the intention of returning.

It is not believed that the phrase "actual residents of the district" occurring in section 7681 G. C. contemplates such a residence, in degree at least as to permanency of domicile, since it is thought that the intention of the statute is to afford free tuition to those pupils or children whose parents are actually dwelling for the time being at least, within the school district. Hence, it may be said that section 4866 G. C. and section 7681 G. C. do not require a similar residence, in the sense that both must be said to be the permanent or fixed domicile of the parent or voter. Upon such considerations, it follows that a negative answer should be given to your second question.

Respectfully,  
JOHN G. PRICE,  
*Attorney-General.*

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2818.

APPROVAL, BONDS OF VILLAGE OF MALVERN IN AMOUNT OF \$3,500  
FOR IMPROVEMENT OF WATER WORKS.

COLUMBUS, OHIO, January 25, 1922.

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