with like power as is provided by this act in the case of public utilities; * * *.”

Under these two provisions the Board of Trustees may fix the rates subject to the jurisdiction of the Public Service Commission.

See also:

City of Washington v. Public Service Commission (1921), 190 Ind. 105;
City of Logansport v. Public Service Commission (1931), 202 Ind. 523.

3. It is the duty of the board of trustees of the water department to collect any delinquent rental for hydrants from the city.

4. Under the statutes quoted the trustees of the Department of Water Works fix the rates subject to the jurisdiction of the Public Service Commission. An investigation of the records of the Public Service Commission shows that on August 4, 1944 petition was filed showing rates for hydrant rental had been omitted by mistake from the rate schedule filed in 1935 and setting a rate of $62.50 per hydrant. Prior to the purchase of the utility by the city the established rate for fire hydrant rental was $75.00 per annum per hydrant as fixed in 1929. That rate would continue until a new rate was established as provided for by law.

SCHOOLS: Pupil under 16 years of age may be required to attend city high school in the township where no township high school is located, the township trustee paying the expense and transportation therefor.

December 9, 1944.

Opinion No. 101

Hon. Clement T. Malan, 
State Superintendent of Public Instruction, 
State House, 
Indianapolis, Indiana.

Dear Dr. Malan:

I have your letter of November 16th, 1944, requesting an official opinion on the following question:
"Under the present compulsory attendance law, can a boy over fourteen years and under sixteen years of age who has completed the eighth grade or the common school education, and who lives in a township which does not have a high school, but in which township a school city does have and maintains a high school, be compelled to attend that high school, the trustee offering to furnish transportation and pay tuition for said boy?"

Section 28-505, Burns' 1933, being Section 5, Chapter 132, Acts of 1928, provides in part as follows:

"Unless otherwise provided herein, every child between the ages of seven (7) and sixteen (16) years shall attend public school or other school taught in the English language which is open to the inspection of local and state attendance and school officers; and such child shall attend such school each year during the entire time the public schools are in session in the school district in which such child resides. * * *"

In the case of Miller v. State (1921), 77 Ind. App. 611, the court, in construing the above statute, and in deciding a child could be required to attend a township high school located in an elementary school district other than that in which he lived, said on page 613 of the opinion:

"* * * We are of the opinion therefore that when Sec. 5, supra, of the School Attendance Act of 1921, supra, provides that 'said child shall attend such school each year during the entire time the public schools are in session in the school district in which such child resides,' it does not refer to elementary districts alone, but as to such children, who are within the age limit prescribed, and have been graduated from the elementary schools of such township, that the entire township is the school district intended, where a public high school has been established and is being maintained therein. * * *.”

It will be noted, from the provisions of Section 28-2658, Burns' 1933, same being Section 1, Chapter 134, Acts 1913,
township trustees are only required to establish township high schools under certain conditions therein set out.

Section 28-2410, Burns' 1933, same being Section 1, Chapter 192, Acts 1899, as amended, provides in part:

"The school trustees shall take charge of the educational affairs of their respective townships, towns and cities. They shall employ teachers, establish and locate conveniently a sufficient number of schools for the education of children therein, and build, or otherwise provide, suitable houses, furniture, apparatus and other articles and educational appliances necessary for the thorough organization and efficient management of said schools. * * * Provided further, that any trustee, instead of building a separate graded high school for his township, shall transfer the pupils of his township competent to enter a graded high school to another school corporation: * * *." 

From a consideration of the above authorities I am of the opinion the boy referred to in your question, under the facts stated in your question, could be compelled to attend a city high school located within the township where said boy resides.

PUBLIC SERVICE COMMISSION: Fee on increase in common stock.

December 9, 1944.

Opinion No. 102

Hon. Hugh W. Abbett, Chairman,
Public Service Commission of Indiana,
State House,
Indianapolis, Indiana.

Dear Sir:

I have your inquiry of November 22nd in regard to merger of the Indiana & Michigan Electric Company and the Indiana General Service Company, which for convenience is referred to hereinafter as the Indiana General. The capital structure of Indiana General is as follows: