to retirement. Whichever regulation is adopted, the teacher by
election made prior to December 31, 1942, is bound to pay all
such arrearages either during the first year or in installments
pursuant to the board’s regulations.

Teachers, other than those referred to in section 14 (a) (3),
supra, who are entitled to credit for prior service which would
require the payment of arrearages may waive their credit for
prior service and pay only the current rates. Or they may
pay the arrearages during the first year or in installments de-
termined pursuant to regulations of the board, and if the
arrearages are not paid in full before retirement, the annuity
shall be reduced proportionally. (Sec. 14 (h)).

Your second question is answered in the affirmative as to
the teachers referred to in section 14 (a) (3), and in the
negative as to teachers referred to in section 14 (h).

HIGHWAY COMMISSION, STATE: Prohibition of persons
from barricaded portions of highway under construction
by contractors.

April 4, 1939.

Mr. T. A. Dicus, Chairman,
State Highway Commission of Indiana,
State House Annex,
Indianapolis, Indiana.

My dear Mr. Dicus:

I have your letter of March 27, 1939, in which you ask for
an official opinion as to the following question:

“Does a contractor who holds a contract with the
State Highway Commission of Indiana have the legal
right to prohibit persons other than land owners in the
vicinity of the highway and those designated by the
State Highway Commission from entering upon that
part of the highway between barricades?”

It is my opinion that a contractor who holds a contract with
the State Highway Commission of Indiana and has barricaded
the immediate ground surrounding the construction work, and,
especially in the construction of a bridge, may prohibit per-
sons from entering upon that portion of the ground or highway
which immediately surrounds and is necessary to the con-
struction work, except those who have lawful business thereon. The law certainly prevents groups of people from entering thereon who have no lawful business to transact. To permit such entrance would interfere with the progress of the work and at the same time create the possibility of accidents and injuries.

Section 36-1614, Burns Indiana Statutes, 1933, provides:

"Nothing contained in this Act shall be construed to prevent any person who has lawful business in, on or along any such closed highway, or who is obliged to travel such highway to reach his property or place of abode, from removing such barrier to permit ingress or egress thereon."

The above provision seems to be clear and is applicable to a highway that is passable although under construction. But if a part of a highway, such as a bridge, is under construction and it is necessary for the contractor, in the protection of his work and safety of persons, then in my opinion he would have the right to barricade the particular ground surrounding the work and prevent persons from entering except on lawful business.

NEW HARMONY MEMORIAL COMMISSION: Tax levied by 1939 Act for benefit of, when effective.

April 5, 1939.

Mrs. Frederick G. Balz, President,
New Harmony Memorial Commission,
Indianapolis, Indiana.

Dear Madam:

I have before me your request for an official opinion in answer to the question as to when the first tax as provided by section 21 of chapter 135, of the Acts of 1939, is levied. The Act referred to is entitled:

"An Act providing for the acquisition of land, the construction and establishment of the New Harmony memorial thereon, creating the New Harmony memorial commission and prescribing its rights, powers and duties, fixing a tax levy, making an appropriation, pre-