by one publication in two newspapers of general circulation throughout the state and in two newspapers representing the parties casting the highest and next highest vote in the county and of general circulation in the county.

This being a later enactment, the provisions of the 1933 act would prevail. By this act, the number of publications is limited to one. The qualifications of the newspapers are, that such notices be published in two newspapers representing the parties casting the highest and next highest vote in the county, of general circulation in the county, where the work is to be performed. No limitation upon the length of time of publication for such newspaper is fixed by the act.

It is, therefore, my opinion that chapter 96 of the Acts of 1927, does not apply and that the only qualification required of a newspaper is that the newspaper represent either the party casting the highest or next highest vote in the county and that it be of general circulation in the county.

It is my opinion, therefore, that the Fayette County Democrat, being a newspaper of general circulation in Fayette County, representing one of the parties casting the highest or next highest number of votes in the county, is entitled to the publication of legal notices as provided by section 11 of said chapter 18.

EDUCATION, DEPT. OF: Compulsory Education Law, whether section 12 is still in effect.

October 16, 1933.

Miss Margaret E. Paddock,
Department of Education,
Indianapolis, Indiana.

Dear Madam:

I have before me your letter of October 14, 1933, requesting an official opinion as to whether section 12 of the Compulsory Education Law "Acts of 1921, page 237" is in force. This section provides as follows:

"If any parent, guardian or other person having control or charge of any child subject to the provisions of this act does not have sufficient means to furnish such child with books, school supplies, and clothing necessary to the attendance upon school, then the school
corporation wherein such child resides shall furnish temporary aid for such purpose, which aid shall be allowed and repaid to such school corporation by the township overseer of the poor, in the manner provided by law for the relief of the poor, upon presentation of an itemized statement of such temporary aid."

Burns Annotated Indiana Statutes of 1926, Sec. 6459.

The above section is in full force and effect and applies to children subject to the provisions of the act.

You ask further whether this law applies only to children of employment age. In my opinion, it is not thus limited. It applies to all children who are subject to the provisions of the act, that is, children between the ages of seven and sixteen years.

HIGHWAY COMMISSION: Liability of commission for injuries caused by negligence of employee or by defective machinery.

October 16, 1933.

Hon. James D. Adams, Chairman,
State Highway Commission,
Indianapolis, Indiana.

Dear Sir:

I have before me your letter requesting an official opinion as to the liability of the State Highway Commission in tort by reason of a personal injury by accident to a member of the public as distinguished from an employee, assuming for the purpose of the case only that the injury was caused by a defective brake on a truck owned by said commission and which, at the time, was in the charge of an employee of the commission in the line of such employee's duty, or was caused by the negligence of such employee.

The State Highway Commission is an agency of the state in the performance of a public function. It is generally held, in the absence of a statute creating such liability, that "neither a state nor the United States is legally liable to respond in damages to a person for an injury resulting from the misconduct, negligence or tortious acts of its officers or agents."