

lowing, among other enumeration of fees which a clerk of courts is required to charge:

"For issuing any license, fifty cents."

In view of the foregoing, it would seem that for the services of a probate judge in the issuing of permits under the provisions of amended substitute senate bill No. 176, the probate judge should charge a fee of fifty cents. It is evident that the granting of a permit is a similar service as the issuance of a license.

Respectfully,
C. C. CRABBE,
Attorney General.

2628.

AUTHORITY OF BOARD OF TRUSTEES OF COUNTY HOSPITAL TO
PAY EXPENSE OF COMMENCEMENT EXERCISES FOR NURSES'
TRAINING SCHOOL.

SYLLABUS:

The board of trustees of a county hospital may pay from the hospital funds such items of expense as are necessary for the proper conduct of a commencement service for the nurses training school, but may not include therein items of expense for social entertainment of the class, faculty or guests.

COLUMBUS, OHIO, July 1, 1925.

Bureau of Inspection and Supervision of Public Offices, Columbus, Ohio.

GENTLEMEN:—This will acknowledge receipt of your letter of recent date in which you submit for my opinion the following question:

"May the board of trustees of a county hospital legally furnish at the expense of the hospital fund such items as class pins for graduating nurses, invitations, diplomas, speaker at such exercises, other entertainment, decorations, refreshments served to the guests of the graduating class and a supper served to the graduating class, alumni, hospital staff and officers?"

Under the terms of sections 3127 and following of the General Code, the management of county hospitals is committed to a board of four trustees. The duties of these trustees are prescribed by section 3137 of the General Code, which so far as pertinent to this question, reads as follows:

"Such board shall assume and continue the operation of such hospital. It shall have the entire management and control of the hospital and shall establish such rules for the government thereof and the admission of persons thereto as it deems expedient; it shall have control of the property of the hospital and deposit all monies thereof with the county treasurer to the credit of the hospital fund; * * *"

Section 3133 of the General Code provides for the levy of a tax in "an amount

sufficient to properly maintain and conduct said hospital." These provisions of the General Code are evidence of an intention on the part of the General Assembly to confer upon these trustees a broad power with references to the management of the county hospital. This power is restricted only by the principle that they shall incur only such expenses as are reasonably necessary for the proper conduct and efficient use of the hospital.

The first question to be determined is whether or not the board of trustees may in any case provide for a nurses training school. This we believe to be very largely a matter of discretion with the board of trustees. It is our opinion that if in the exercise of their judgment the board of trustees finds it necessary to maintain such school in order that an adequate supply of trained nurses may be available for the purposes of the hospital, the establishment of such school is within the powers of the board of trustees.

If it is conceded in any given case that the training school for nurses is properly established, the question arises as to the extent to which public funds may be used in providing for commencement exercises. Specifically with reference to the items mentioned in your inquiry, it would be impossible to lay down any hard and fast rule which could be followed in every case, but we believe the following may be stated as a general principle:

The board of trustees which has established a school would have the undoubted right to provide for a commencement, and to provide for such evidences of graduation from the nurses' training school as might seem proper to them. It is our opinion that such items as the expense of a speaker for the graduation exercises and decorations for the auditorium in which such exercises are conducted are proper items of expense. The other items mentioned, such as class pins, refreshments and social entertainment are more properly a part of the personal expense of the graduates. We do not believe that even a liberal construction of the powers of the trustees would justify the expenditure of public funds for such purposes.

You are therefore advised that the expenditure by the trustees of the hospital for commencement purposes should be confined to those items necessary to the conduct of the commencement service proper and the awarding to the graduates of evidence of their completion of the course, and may not properly be extended to the social functions in connection with the commencement.

Respectfully,

C. C. CRABBE,

Attorney General.

2629.

NO LEGAL AUTHORITY WHEREBY OFFICIALS OF ONE VILLAGE MAY CONTRACT WITH OFFICIALS OF ANOTHER VILLAGE FOR CARE OF PRISONERS.

SYLLABUS:

There is no legal authority whereby the officials of one village may make a contract with the officials of another village for the care of prisoners in the jail of such other village.

COLUMBUS, OHIO, July 1, 1925.

Bureau of Inspection and Supervision of Public Offices, Columbus, Ohio.

GENTLEMEN:—This will acknowledge receipt of your letter of recent date, as follows: