

It is therefore my opinion that:

1. A juvenile court having found that a male child over sixteen years of age was delinquent, such child, having been made a ward of the juvenile court, remains such until attaining the age of twenty-one years and the jurisdiction of said juvenile court over said male delinquent continues until such time, even though the male delinquent has been committed by the juvenile court to the Ohio State Reformatory.

2. The Board of Parole has no jurisdiction to release on parole or otherwise a male delinquent who has been committed to the Ohio State Reformatory by a juvenile court. Such a delinquent male child can be released from the Ohio State Reformatory by the committing juvenile court any time prior to the delinquent child reaching the age of twenty-one years.

Respectfully,

JOHN W. BRICKER,  
*Attorney General.*

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4866.

SANDUSKY BAY BRIDGE—PUBLIC UTILITIES COMMISSION  
MAY FIX TOLL RATES.

*SYLLABUS:*

*The Public Utilities Commission of Ohio has the authority to fix and determine reasonable rates of toll for transit over the Sandusky-Bay Bridge, subject only to the powers conferred upon the Secretary of War.*

COLUMBUS, OHIO, November 6, 1935.

*The Public Utilities Commission of Ohio, State Office Building, Columbus, Ohio.*

GENTLEMEN:—Your letter of recent date is as follows:

“Under date of October 22, 1935, Hon. Al Kalb, Port Clinton, Ohio, directed a communication to me which reads as follows:

‘Will you please advise whether in your opinion the jurisdiction of your commission extends to the approval or disapproval of toll charges for transportation over the Sandusky Bay Bridge?’

I believe that Section 5416 of the General Code has been amended so as to describe this toll bridge as a public

utility and as the original act authorizing the construction of this bridge also provides for approval of its tolls by the commission so that I think at this time it would be in order for a complaint to be filed on the charges and a hearing ordered thereon.

Please advise if you concur in this opinion.'

I find upon examining Section 5416 of the General Code of Ohio, as amended, intrastate toll bridges are now included in said Section. Section 614-2 of the General Code enumerates various utilities under our jurisdiction.

The first of the two aforesaid sections relates to taxation. There would seem to be a conflict as between these particular sections.

We therefore ask that you furnish us with an opinion as to whether or not we have jurisdiction to regulate the toll charges imposed by the utility operating Sandusky Bay Bridge."

You point out that at a recent session of the Legislature Section 5416 of the Ohio General Code was amended so as to include an "intrastate toll bridge company" within the definitions set forth in that section of the Code, the intent of the Legislature apparently being to include an intrastate toll bridge company within the definition of a "public utility", as set forth in Section 5415 of the Ohio General Code. The Legislature apparently neglected to include intrastate toll bridge companies in Section 5415 of the Code wherein it lists those things which shall be considered public utilities. Both Section 5415 and Section 5416 of the Code are taxation sections and the definitions of a public utility set forth in these sections are for the purpose of defining a public utility for taxation purposes.

Inasmuch as the Legislature did not amend Section 614-2 of the Code, which defines public utilities subject to the regulation of the Public Utilities Commission of Ohio, so as to include intrastate toll bridges as a public utility regulated by the Public Utilities Commission of Ohio, the question very naturally arises as to whether or not the Public Utilities Commission of Ohio would have jurisdiction over the tolls of intrastate toll bridge companies simply by virtue of the provisions of Section 5416.

However, upon examination of the statutes relating to the construction and operation of the Sandusky-Bay Bridge, it appears that Section 13996-7 contained in the appendix to the Ohio General Code, (112 O. L. 98), provides as follows:

"13996-7. Rates of toll, how prescribed, —

That said The Sandusky Bay Bridge company, its successors and assigns, are hereby authorized to fix and charge tolls for transit

over such bridge, and the rates so fixed shall be the legal rates until changed by the secretary of war under authority contained in an act of congress approved March 23, 1906, entitled "An act to regulate the construction of bridges over navigable waters," or by the public utilities commission of the state of Ohio. Subject to the powers conferred upon the secretary of war by the act of congress aforesaid with respect to prescribing such rates of toll, the public utilities commission of the state of Ohio may, at any time and from time to time, fix and determine reasonable rates of toll for transit over said bridge. (112 v. 96, 6. Eff. June 28, 1927.)"

It will be observed that under the provisions of this section, The Public Utilities Commission of Ohio is specifically given the power at any time and from time to time, subject only to the powers conferred upon the Secretary of War by the Act of Congress approved March 23, 1906, entitled "An act to regulate the construction of bridges over navigable waters", to fix and determine reasonable rates of toll for transit over the Sandusky-Bay Bridge.

The Legislature having, therefore, specifically conferred upon the Public Utilities Commission of Ohio the power of fixing and determining reasonable rates of toll for transit over the Sandusky-Bay Bridge in Section 13996-7 of the Ohio General Code, its failure to include intrastate toll bridge companies within the public utilities defined in Section 614-2 subject to the regulation of the Public Utilities Commission of Ohio is of no consequence, and it is, therefore, my opinion that the Public Utilities Commission of Ohio has the authority to fix and determine reasonable rates of toll for transit over the Sandusky-Bay Bridge, subject only to the powers conferred upon the Secretary of War hereinbefore referred to.

Respectfully,

JOHN W. BRICKER,

*Attorney General.*

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4867.

APPROVAL, NEW SUMMARY OF PROPOSED AMENDMENT  
OF SECTION 2 OF ARTICLE XII OF THE OHIO CONSTI-  
TUTION.

COLUMBUS, OHIO, November 6, 1935.

*Ohio Association for Tax Reduction, 1120 Chester Avenue, Cleveland, Ohio.*

GENTLEMEN:—You have submitted to me a new summary of the pro-