

that an act of Congress prohibiting the allowance of additional pay or extra compensation to public officers had no application to the case of two distinct offices, places or employments each of which had its own duties and compensation, where such offices, places or employments were legally held by the same person at the same time.

For the reasons above stated it is my opinion that

(1) The Controlling Board may not consent to the transfer of funds for the sole purpose of increasing an appropriation made by the General Assembly for a single salary.

(2) Such board is not authorized to consent to the transfer of funds from one item to another until it is satisfied that the amount to be transferred is not needed for the purpose for which it was appropriated.

(3) The Controlling Board is not authorized to approve the transfer of funds from Class "A-2 Wages—Per Diem Five Members of" State Pharmacy Board sufficient to enable the secretary of the State Pharmacy Board to draw a salary at the rate of four thousand five hundred dollars per annum for his services as secretary, the legislature having appropriated four thousand dollars only for such salary.

Respectfully,

EDWARD C. TURNER,

Attorney General.

688.

BOYS' INDUSTRIAL SCHOOL—WHEN BOY OVER EIGHTEEN YEARS
OLD MAY BE ADMITTED.

SYLLABUS:

A boy over eighteen years of age may be admitted to the Boys' Industrial School, when the juvenile court had duly committed him thereto prior to his eighteenth birthday, provided said order of commitment has not been rescinded or suspended, requiring further order of commitment after the boy's eighteenth birthday.

COLUMBUS, OHIO, July 6, 1927.

MR. A. M. BUESCHER, *Superintendent, The Boys' Industrial School, Lancaster, Ohio.*

DEAR SIR:—This will acknowledge receipt of your letter of recent date which reads as follows:

"Our attention has been called to an opinion of the Attorney General issued February 5, 1925, No. 2201, ruling that girls over eighteen years of age 'may be admitted to the Girl's Industrial School when the Juvenile Court, prior to her eighteenth birthday, has duly committed her thereto, providing the said order of commitment has not been rescinded or suspended, requiring further order of commitment after said eighteenth birthday.'

The Juvenile Court of Cuyahoga County now raises the question as to whether this ruling should not apply to this school also.

We have not accepted boys at this institution beyond eighteen years of age regardless of the date of commitment, and I would like an opinion from you on this point."

The opinion of this office to which you refer appears in the Opinions of the Attorney General, 1925, page 63, the syllabus of which reads:

"A girl over eighteen years of age may be admitted to the Girls' Industrial School, when the Juvenile Court, prior to her eighteenth birthday, has duly committed her thereto, provided said order of commitment has not been rescinded, or suspended, requiring further order of commitment after said eighteenth birthday."

The following sections of the General Code so far as pertinent to your inquiry provide:

"Sec. 1652. In case of a delinquent child * * * the judge may commit such child, if a boy, to a training school for boys * * *. In no case shall a child, committed to such institutions, be confined under such commitment after attaining the age of twenty-one years * * *."

"Sec. 1653-1. The provisions of Section 1652 shall not apply to * * * the Boys' Industrial School, so far as the same allows the *commitment* of a child under ten years or over eighteen years of age to such institution. * * *"
(Italics the writer's.)

"Sec. 2084. Male youth, not over eighteen nor under ten years of age having normal mental and physical capacity for intellectual and industrial training may be *committed* to the Boys' Industrial School by the juvenile courts upon a finding of delinquency as designated by the laws for juveniles * * *."
(Italics the writer's.)

The statutes under consideration are to be interpreted by the aid of all the ordinary rules of construction of statutes with the cardinal object in view of ascertaining the intent of the legislature and in the interpretation thereof words in common use are to be construed in their natural, plain and ordinary signification.

The language of these sections is plain and unambiguous and clearly prohibits the *commitment* of a boy, over eighteen years of age, to the Boys' Industrial School.

The prohibition that is emphasized in these sections of the General Code has been discussed and construed in two former opinions of this department, the first of which appears in Vol. I, Opinions of the Attorney General, 1915, at page 621, the syllabus of which reads:

"Juvenile court judge is without authority to commit youth over eighteen years of age to Boys' Industrial School, notwithstanding status of delinquency attached to youth prior to arriving at age of eighteen."

Since the date of this opinion the legislature on April 29, 1921 (109 O. L. 523), amended Section 2084 to read as it now appears in the General Code, supra. The changes, however, in no wise affect the conclusions therein reached.

The second opinion appears in Vol. II, Opinions of the Attorney General, 1917, page 1914, the syllabus of which reads:

"A boy came into the custody of the juvenile court prior to his becoming eighteen years of age and was placed on probation by the court upon certain conditions. After arriving at the age of eighteen he violated this probation. HELD, if the violation of probation in this case consisted of a violation of some rule of conduct imposed by the juvenile court upon this boy prior to his becoming eighteen years of age, the juvenile court can now deal with such boy in exactly the same manner as if he were still under eighteen years of age, except that the court is without authority to commit such boy to the Boys' Industrial School. If, however, the violation of probation consisted of the

commission of some offense against the state laws or local ordinances since such boy became eighteen years of age, the juvenile court has no jurisdiction in the punishment of such offense and the boy should be proceeded against in the same manner and in the same court as though he were an adult."

An examination of the General Code discloses that there is nothing in the sections relating to the Boys' Industrial School or in the other statutes which prohibit the *admission* of boys who are over eighteen years of age to such institution. The prohibition therein is against the *commitment* by the juvenile court when the minor is over eighteen years and not against the *admission* of such a minor to the Boys' Industrial School. That is to say, there is no provision of law, statutory or otherwise, to the effect that a minor duly committed to the Boys' Industrial School prior to his eighteenth birthday shall not be received at the school after he becomes eighteen, even though as above pointed out the juvenile court *can not* commit a boy over eighteen years of age to such institution.

In view of the foregoing and answering your question specifically, it is my opinion that the ruling made in Opinion No. 2201, Opinions of the Attorney General for 1925, page 63, applies equally to the Boys' Industrial School, and that a boy over eighteen years of age may be admitted to the Boys' Industrial School, when the juvenile court has duly committed him thereto prior to his eighteenth birthday, provided said order of commitment has not been rescinded or suspended, requiring further order of commitment after the boy's eighteenth birthday.

Respectfully,

EDWARD C. TURNER,
Attorney General.

689.

OFFICERS—COURT BAILIFF AND DEPUTY SHERIFF OR COUNTY PROBATION OFFICER OR BOTH ARE COMPATIBLE.

SYLLABUS:

A person acting under appointment as court bailiff may be appointed deputy sheriff or county probation officer or both, and he may be paid the compensation fixed for each one of the positions provided it is physically possible for him efficiently to perform the services necessary to fill the positions.

COLUMBUS, OHIO, July 6, 1927.

HON. L. E. HARVEY, *Prosecuting Attorney, Troy, Ohio.*

DEAR SIR:—I have before me your request for my opinion reading in part as follows:

"Mr. Blank was appointed Court Bailiff of the Common Pleas Court of Miami County, Ohio, and draws a salary as such from the County.

Mr. Blank was also appointed deputy sheriff by the sheriff with the approval of the Judge of the Common Pleas Court. As deputy sheriff he has been given charge of the probation department of the County and all the prisoners who are placed on probation are put in his charge. For his services in looking after the probationers he is to be given a salary of \$500.00 or more in addition to his salary as Court Bailiff.