

2675, General Code, issue such check or other order to such taxing subdivision as will cause the portion of the funds so deposited in such depository, but belonging to the subdivision, to be transferred to it, even though by virtue of the order of the superintendent of banks, such funds are not immediately withdrawable.

Respectfully,
 JOHN W. BRICKER,
Attorney General.

1046.

APPROVAL, PROPOSED ARTICLES OF INCORPORATION OF THE
 LIBERTY MUTUAL INDEMNITY COMPANY.

COLUMBUS, OHIO, July 18, 1933.

HON. GEORGE S. MYERS, *Secretary of State, Columbus, Ohio.*

DEAR SIR:—I have examined the proposed articles of incorporation of The Liberty Mutual Indemnity Company and find that they are not inconsistent with the constitution and laws of this state or of the United States. I am therefore returning the same to you with my approval endorsed thereon.

I noticed, however, that the date of the signing of the articles has been omitted and suggest that you have this filled in before same are filed.

Respectfully,
 JOHN W. BRICKER,
Attorney General.

1047.

JUVENILE COURT—JURISDICTION TO COMMIT CRIPPLED CHILD TO
 DIVISION OF CHARITIES LIMITED TO CHILDREN UNDER AGE
 OF 18 YEARS.

SYLLABUS:

The jurisdiction of a juvenile court to commit a crippled child to the Division of Charities is limited by the provisions of Section 1642 of the General Code, and is limited to children under the age of eighteen (18) years.

COLUMBUS, OHIO, July 19, 1933.

HON. JOHN McSWEENEY, *Director, Department of Public Welfare, Columbus, Ohio.*

DEAR SIR:—Acknowledgment is made of your recent inquiry which reads:

“The question has been raised by the Court of Domestic Relations of Hamilton County as to whether the Juvenile Court, under Sections 1352-4, 1352-8 and 1352-9, all of which pertain to care and

treatment of crippled children, may commit for care and treatment any child up to the age of twenty-one years.

Section 1642 of the juvenile court code specifically states that 'such juvenile courts * * * * shall have jurisdiction over and with respect to delinquent, neglected and dependent minors under the age of eighteen years * * * *'

As the sections of law pertaining to the care of crippled children are not a part of the juvenile court statutes and since Section 1642 does not mention crippled children, the query is: May a juvenile court commit a crippled child up to twenty-one years of age to the Division of Charities, Department of Public Welfare, for medical care and treatment?"

An analysis of your letter and the statute mentioned indicates that the question is whether the juvenile court may commit a crippled child over the age of eighteen (18) years to the Division of Charities in view of the limitations of Section 1642 of the General Code.

Section 1352-3 of the General Code and its related sections provide for the Division of Charities receiving dependent and neglected minors. Whether or not a crippled child in need of treatment is a neglected minor in view of the law, needs not to be decided for the reason that Section 1352-8 specifically provides in what manner a crippled child may be committed. Said section reads:

"In order to provide suitable medical and surgical treatment, and education when necessary, of crippled children whose parents or guardians fail or are financially unable to provide such treatment, the board of state charities is authorized and empowered to receive into its custody such children. Application for such care, treatment, and education, shall first be made to the juvenile court by a parent, guardian or some interested person. If such court is of the opinion that such child is in need of treatment and education, and finds that the parent or guardian fails to provide it, he may make an order to that end; or if the parent or guardian is financially unable to pay all or a part of the expense of such treatment, the court shall make a proper finding and decree. In either case the court shall at once forward a copy of the decree and a statement of facts to the board of state charities, and such board shall, when able to do so under this act, (G. C. Sections 1352-8 to 1352-11) accept such child for care as hereinbefore provided. Upon receipt of notice from such board that such child can be given suitable treatment the court shall then commit such child to such board and provide for its conveyance in charge of a suitable person to the place designated by such board for treatment. The expenses for conveyance shall be paid by the county or by the parent or guardian as the court may direct. Such commitment shall be temporary and shall be only for the period necessary for the treatment of such child."

In view of the above, it could be argued with some weight that Section 1352-8 provides a special jurisdiction for crippled children and the only limitation would be the age of twenty-one (21) years. Said section was enacted long after the jurisdictional Section 1642 was enacted. However, this argument is now counteracted by reason of the fact that Section 1642 was amended by the Eighty-ninth General Assembly and it did not see fit to make any exception with regard

to crippled children. Moreover, in order to say that the juvenile court has jurisdiction to commit crippled children over eighteen (18) years of age, it would be necessary to hold that Section 1642 was repealed by implication in so far as crippled children are concerned. Such holdings are not favored and will not be relied upon if there is any other rational method of harmonizing the statute. It must be conceded that Sections 1352-8 et seq. and 1642, are in *pari materia* and must of necessity be construed together. Of course, it is obvious that Section 1352-8 is clearly inconsistent with the general provisions of the statute, in that a commitment "shall be temporary and shall be only for the period necessary for the treatment of such child." However, the other provision of the section relative to the age of jurisdiction is not in conflict with the provisions of Section 1642, *supra*, but is in harmony therewith.

Based upon the foregoing, it is my opinion that the jurisdiction of a juvenile court to commit a crippled child to the Division of Charities is limited by the provisions of Section 1642 of the General Code, and is limited to children under the age of eighteen (18) years.

Respectfully,
 JOHN W. BRICKER,
Attorney General.

1048.

APPROVAL, BONDS OF CLEVELAND HEIGHTS VILLAGE SCHOOL DISTRICT, CUYAHOGA COUNTY, OHIO—\$8,000.00.

COLUMBUS, OHIO, July 19, 1933.

Retirement Board, State Teachers Retirement System, Columbus, Ohio.

1049.

APPROVAL, BONDS OF CITY OF CUYAHOGA FALLS, SUMMIT COUNTY, OHIO—\$5,000.00.

COLUMBUS, OHIO, July 19, 1933.

Retirement Board, State Teachers Retirement System, Columbus, Ohio.

1050.

APPROVAL, BONDS OF CLEVELAND HEIGHTS VILLAGE SCHOOL DISTRICT, CUYAHOGA COUNTY, OHIO—\$2,000.00.

COLUMBUS, OHIO, July 19, 1933.

Retirement Board, State Teachers Retirement System, Columbus, Ohio.