

3769.

APPROVAL, BONDS OF BUTLER COUNTY, OHIO—\$5,000.00.

COLUMBUS, OHIO, November 17, 1931.

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

3770.

APPROVAL, BONDS OF CITY OF ELYRIA, LORAIN COUNTY, OHIO—
\$7,500.00.

COLUMBUS, OHIO, November 17, 1931.

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

3771.

COSTS—PRISONER COMMITTED TO ANOTHER COUNTY UNDER AN
UNCONSTITUTIONAL STATUTE—ASSESSED AGAINST COUNTY
OF COMMITMENT.*SYLLABUS:**Where a county has an agreement with a municipal workhouse located outside of the county, for the commitment of persons convicted of certain offenses, the cost of maintaining such prisoners committed to such workhouse under a statute which has been held unconstitutional and repealed, should be charged back to the county of commitment.*

COLUMBUS, OHIO, November 17, 1931.

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

GENTLEMEN:—This will acknowledge receipt of your communication, which reads:

“Where a county has a contract with a municipal workhouse located outside of the county and the municipal court of a city in the county sends prisoners to such workhouse and the mittimus shows that the sentence was under the vagrancy act, which act prior to such commitment was repealed and held unconstitutional;

Question: Have the workhouse authorities the legal right to receive such prisoners and charge the county for keeping them under their contract?”

Subsequent information from your department discloses the commitments in question were made in 1930.

As you state in your communication, the vagrancy act was declared uncon-