

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:

"On June 1st, 1925, the bureau advised Mr. D. B. Symons, solicitor of the village of Avon Lake, that said village could not make an agreement with another village outside of Lorain county for the care of prisoners in the custody of the authorities of Avon Lake village in the jail owned and located in the village of Bay in Cuyahoga county.

"As this question is of general interest, the bureau would appreciate your views in relation thereto.

"Copies of correspondence with Mr. Symons are enclosed herewith."

I find no statutory authority whereby a village in one county may make an agreement with a village of another county for the care of prisoners in the custody of the authorities of such village in the jail of such other village.

However, section 4558 of the General Code reads:

"The mayor, and in his absence, the president of the council, may grant to magistrates of adjoining or contiguous townships the temporary use of the corporation prison, station or watch-houses, to confine criminals, or other persons dangerous to the peace of the community, until they can be safely removed therefrom to the county jail, or other place of security."

Section 13507 of the General Code reads:

"If it is necessary, for just cause, to adjourn the examination of the accused, the magistrate may order such adjournment and commit him to the jail of the county, until such cause of delay is removed, but the entire time of such confinement in jail shall not exceed four days. The officer having custody of such person, by the written order of the magistrate may detain him in custody in a secure and convenient place other than the jail, to be designated by such magistrate in his order, not exceeding four days. The officer in whose custody any person is detained shall provide for the sustenance of such prisoner while in custody."

These seem to be the only two sections of our Code bearing on this question. Without statutory authority a prisoner cannot be held in jail. Section 4556 applies to township magistrates but not to village magistrates.

By virtue of section 13507, General Code, a mayor of a village may, by written order naming the place, designate a secure and convenient place where the officer having custody of the prisoner, may keep him pending preliminary hearing, and such place might be the jail of another township. In such case the persons in charge of the jail of such other township might permit the officer to use their jail for such purpose.

The prisoner would be in charge of the officer to whom the order was addressed, and he would provide such prisoner with sustenance and his bill would be paid as if said prisoner was in the jail of the township of which the magistrate was an officer.

Respectfully,

C. C. CRABBE,

Attorney General.