

pared and approved, notice to bidders was properly given, bids tabulated as required by law and the contract duly awarded. Also it appears that the laws relating to the status of surety companies and the Workmen's Compensation have been complied with.

Finding said contract and bond in proper legal form, I have this day noted my approval thereon and return the same herewith to you, together with all other data submitted in this connection.

Respectfully,
GILBERT BETTMAN,
Attorney General.

2719.

APPROVAL, BONDS OF SHARON TOWNSHIP, FRANKLIN COUNTY,
OHIO—\$6,000.00.

COLUMBUS, OHIO, December 24, 1930.

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

2720.

FEEBLEMINDED CHILD—INMATE OF CHILDREN'S HOME MAINTAINED BY TWO COUNTIES—COUNTY FROM WHICH CHILD COMMITTED TO STATE'S CHARGE, LIABLE FOR SUPPORT BY EXPRESS PROVISION OF STATUTE.

SYLLABUS:

Where a child is committed to the Fairmount Children's Home in Stark County and later committed by the Juvenile Court of said county to the state institution for the feeble-minded, by the express terms of Section 1815-12, General Code, the county of Stark is liable for the support of said child, notwithstanding said child was committed to said home from Columbiana County.

COLUMBUS, OHIO, December 26, 1930.

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

GENTLEMEN:—In your recent communication you request my opinion upon the following:

“The Fairmount Children's Home is situated in Stark County; it is a district children's home, supported by Stark and Columbiana Counties. When the Juvenile Judge of Stark County commits children from said home to the state institution for feeble-minded and such children were originally committed to the district children's home from Columbiana County—

Question: Under the provisions of Section 1815-12, G. C., which county,

Stark or Columbiana, is liable for such children's support in the feeble-minded institution?"

Section 1815-12, General Code, to which you refer, reads as follows:

"The county from which an inmate of an institution for the feeble-minded was committed shall be liable for such inmate's support, provided the same is not paid otherwise as provided by this act. The treasurer of each county shall pay to the Treasurer of State, upon the warrant of the county auditor, the amount chargeable against such county for the preceding six months for all inmates therefrom not otherwise supported, upon the presentation of the statement thereof. When any person committed to an institution under the control and management of the Ohio board of administration, other than an institution for the feeble-minded, is transferred or removed, as provided by law by said board of administration from such institution to an institution for the feeble-minded, the county from which said person was committed shall be liable for the support of such person while in said institution for the feeble-minded, as hereinabove provided, and to the same extent as if such person had been originally committed from said county to said institution for the feeble-minded."

It will be observed that the section above quoted states, in express and unambiguous terms, that the county from which an inmate of the institution for the feeble-minded is committed shall be liable for such inmate's support. The section does make an exception in the case of a transfer from a state institution to the feeble-minded institution. However, the case you present is not included within the terms of said exception. It, of course, would seem that it is rather inequitable to require the county of Stark to pay for the patients from Columbiana County under the circumstances you describe. However, in view of the decision of the Supreme Court of Ohio in the case of *State ex rel. vs. Huwe, Treasurer, et al.*, 105 O. S. 304, in which the constitutionality of Section 1815-12, supra, and other related sections, was attacked, it would appear that the Legislature may provide such means of supporting such institutions as it deems advisable.

In connection with your inquiry, you are referred to my Opinion No. 1737, issued to Hon. J. F. Kuhns, Prosecuting Attorney of Tuscarawas County, under date of April 5, 1930, in which it was pointed out that the county from which a child is committed to an institution for the feeble-minded shall bear the cost of maintaining such child. Said opinion pointed out

" * * * feeble-minded persons are committed to institutions in the same manner and by like proceedings as are provided for the commitment and admission of insane persons."

The opinion further pointed out that insane persons may be committed from a county other than that of his legal residence, under the provisions of Section 1950-1 of the General Code. It further points out that Section 1815-12, supra, expressly provides that the county from which an inmate of an institution for the feeble-minded is committed shall be liable for such inmate's support. While it is possible that a child committed to the children's home to which you refer, from Columbiana County, may be committed to the institution for the feeble-minded from Columbiana County, it would appear that the Juvenile Court of Stark County has jurisdiction and when he assumes the same and commits such child to the feeble-minded institution the expense of maintaining such child rests upon Stark County.

It is a cardinal rule of law in this state that where a statute is plain and unambiguous there is no room for judicial interpretation. It, therefore, is not a question as to what is a just procedure between the two political subdivisions, in view of the facts, but rather the only question is as to what the Legislature said, and, as hereinbefore pointed out, it has expressly stated that the county from which an inmate is committed shall bear the expense of the patient under the circumstances you mention.

In specific answer to your inquiry, it is my opinion that where a child is committed to the Fairmount Children's Home in Stark County and later committed by the Juvenile Court of said county to the state institution for the feeble-minded, by the express terms of Section 1815-12, General Code, the county of Stark is liable for the support of said child, notwithstanding said child was committed to said home from Columbiana County.

Respectfully,
 GILBERT BETTMAN,
Attorney General.

2721.

APPROVAL, LEASE TO RESERVOIR LAND AT INDIAN LAKE FOR COTTAGE SITE AND DOCK LANDING PURPOSES—JOHN N. STEPHENSON.

COLUMBUS, OHIO, December 26, 1930.

HON. PERRY L. GREEN, *Director, Department of Agriculture, Columbus, Ohio.*

DEAR SIR:—This is to acknowledge the receipt of a recent communication from your department, submitting for my examination and approval, a certain reservoir land lease in triplicate, which has been executed by the State of Ohio, through the Conservation Commissioner, by the terms of which there is leased and demised to one John N. Stephenson, of Russell's Point, a certain parcel of state reservoir land at Indian Lake, for a term of fifteen years.

Said parcel of land, which is thereby leased for cottage site, docklanding and business purposes, is situated in the east half of Section 36, Town 6, South, Range 8, East, Logan County, Ohio, and is more particularly described as follows:

“Commencing at a point in the westerly shore line of Orchard Island Road that is 390 feet northerly from the northerly abutment of the Orchard Island Bridge as measured along the westerly shore line of said road; thence westerly at right angles, 40 feet to the true place of beginning; thence continuing westerly on the same line, 100 feet to a point; thence northerly parallel to said roadway, 300 feet, to a point; thence easterly at right angles, 140 feet, to said westerly water line of Orchard Island Road; thence southerly along the said westerly water line of said road, 40 feet to a point; thence westerly at right angles, 40 feet to a point; thence southerly parallel to the said Orchard Island Road, 260 feet, to the place of beginning and containing 31,600 square feet, more or less.”

By said lease there is also granted to the lessee therein named, the right to construct a driveway across the channel between the Orchard Island Road and the above described property and there is also granted to said lessee the privilege of conducting any legitimate business in connection with said boat landing that may be approved by the Commissioner of the Division of Conservation.