

In Opinion No. 2984, dated April 13, 1922, I advised the Bureau of Inspection and Supervision of Public Offices that a municipality was without authority after January 1, 1922, to issue deficiency bonds under the provisions of House Bill No. 4, 109 O. L., p. 17, by reason of the fact that said House Bill No. 4 was repealed by the provisions of the Griswold act, 109 O. L., 336, such repeal taking effect January 1, 1922. House Bill No. 4 and House Bill No. 254 contain practically identical provisions, being different only in that House Bill No. 4 authorizes the funding of deficiencies in municipal corporations for the fiscal year ending December 31, 1921, whereas House Bill No. 254 authorizes the funding of deficiencies in school districts for the year ending July 1, 1921.

For reasons identical with those set forth in said Opinion No. 2984, referred to, I am also of the opinion that the authority conferred by House Bill No. 254, was repealed by the Griswold act and that boards of education are without authority since January 1, 1922, to issue deficiency bonds under said House Bill No. 254.

Although the bonds under consideration were issued under authority of a resolution passed prior to January 1, 1922, it appears that they were not purchased by the Industrial Commission until March 2, 1922, and could not, therefore, be considered as issued prior to that date. The board of education being without authority on March 2, 1922, to issue deficiency bonds, I advise the Industrial Commission not to purchase the same.

Respectfully,
JOHN G. PRICE,
Attorney-General.

2995.

DISAPPROVAL, DEFICIENCY BONDS OF TIFFIN RURAL SCHOOL DISTRICT, DEFIANCE COUNTY, IN AMOUNT OF \$11,000.

COLUMBUS, OHIO, April 14, 1922.

Department of Industrial Relations, Industrial Commission of Ohio, Columbus, Ohio.

Re.: Deficiency bonds of Tiffin Rural School District, Defiance county, in the amount of \$11,000.00.

GENTLEMEN:—The above bonds are issued under authority of House Bill No. 254, 109 O. L., 191, which conferred authority upon boards of education to issue bonds to meet deficiencies for the school year ending July 1, 1921.

In Opinion No. 2994, dated April 13, 1922, I advised the Bureau of Inspection and Supervision of Public Offices that a municipality was without authority after January 1, 1922, to issue deficiency bonds under the provisions of House Bill No. 4, 109 O. L., p. 17, by reason of the fact that said House Bill No. 4 was repealed by the provisions of the Griswold act, 109 O. L., 336, such repeal taking effect January 1, 1922. House Bill No. 4 and House Bill No. 254 contain practically identical provisions, being different only in that House Bill No. 4 authorizes the funding of deficiencies in municipal corporations for the fiscal year ending December 31, 1921, whereas House Bill No. 254 authorizes the funding of deficiencies in school districts for the year ending July 1, 1921.

For reasons identical with those set forth in said Opinion No. 2984, referred to, I am also of the opinion that the authority conferred by House Bill No. 254,

was repealed by the Griswold act and that boards of education are without authority since January 1, 1922, to issue deficiency bonds under said House Bill No. 254.

Since it appears from the transcript that the resolution of the board of education authorizing the issuance of the bonds under consideration was not adopted until February 16, 1922, it follows that there was no authority in law for the issuance of said bonds at that time and I advise the Industrial Commission not to purchase the same.

Respectfully,
 JOHN G. PRICE,
Attorney-General.

2996.

JUVENILE COURT—WHERE IT COMMITS DEPENDENT OR DELINQUENT CHILD TO DEPARTMENT OF PUBLIC WELFARE—DIRECTOR OF SAID DEPARTMENT MAY ASSIGN AND TRANSFER SUCH CHILD FROM ONE DIVISION TO ANOTHER IN SAID DEPARTMENT—CONSENT OF JUVENILE COURT NOT NECESSARY.

1. *Where the juvenile court commits a dependent or delinquent child to the care and custody of the department of public welfare, and said department assigns said child to the bureau of juvenile research for the purpose of mental or physical examination, the director of public welfare may then assign and transfer such child from said bureau of juvenile research to the division in the department of public welfare known as the division of charities, and no consent on the part of said division of charities, as such, is necessary to such assignment or transfer.*

2. *Likewise held that the consent of the juvenile court to such assignment or transfer is also unnecessary.*

COLUMBUS, OHIO, April 15, 1922.

DR. H. S. MACAYEAL, *Director, Department of Public Welfare, Columbus, Ohio.*

DEAR SIR:—You recently wrote this department a letter in which you say:

“A difference of opinion seems to have arisen concerning the transfer of children provided for in sections 1352-3 and 1352-5 so far as such transfers relate to sections 1841-3 and 1841-4, and we therefore seek your opinion concerning such ‘transfers’ and ‘assignments.’”

You enclose with your letter copies of some correspondence relative to the matter. It appears from this data that the situation you have in mind is this: A child is adjudged a delinquent or a dependent under the provisions of the Juvenile Act. The juvenile court commits said child to the care and custody of the department of public welfare as the legal successor of the Ohio board of administration. Said department of public welfare then assigns the child to the bureau of juvenile research for the purpose of mental and physical examination. The bureau of juvenile research examines the child and recommends that it be placed in a private home.

The question now is whether the director of public welfare has the power to assign and transfer such child from the bureau of juvenile research to the division of charities, without the consent of the juvenile court which made the commitment and also the consent of the division of charities.