chapter 257 with relation to the state fair. (Chapter 257, Acts 1938, p. 1140-1).

Question 4. "Under the Acts of 1921, the law which set up the state board of agriculture, which is found in volume 2, Burns Indiana Statutes, section 3511, the law specifies that the agricultural conference shall nominate a board member from each congressional district. In 1931, when the reappointment law was enacted, this conference failed to nominate under the new state congressional set-up. In other words, the representative from the first congressional district does not live in the present first congressional district. In some instances two members reside in the same congressional district. Is it your opinion that the board, as it now stands, is legally organized? If the board is not legally organized would contracts made by it be valid?"

This precise question was presented to this office by a letter from Mr. E. J. Barker, secretary-treasurer of the board of agriculture, and an opinion rendered under date of May 6, 1931. I would refer you to Opinions, Attorney General of Indiana, 1931-32, page 328. This question was very ably discussed at that time, and I concur in the opinion heretofore rendered.

BOYS' SCHOOL: Whether boy past sixteen years of age but not yet seventeen may be committed to this institution.

May 18, 1933.

Hon. O. W. Negus, Superintendent,
Indiana Boys' School,
Plainfield, Indiana.

Dear Sir:

I have before me your letter of May 12, 1933, in which you ask an official opinion of this office as to whether or not Donald Brumbaugh should be accepted as an inmate of your institution. Your letter encloses a copy of a letter from your institution to Judge Sumner Kenner, of the Huntington Circuit court, a copy of his letter in reply, and a copy of the circular letter issued by your institution relating to commitments and admissions of boys to the institution.

The enclosures show that Donald Brumbaugh will not reach the age of 17 years until August 20, 1933, and that he was
committed to your institution by Judge Kenner under section 12534, Burns Annotated Indiana Statutes, Revision of 1926. This section reads as follows:

"Any judge of a circuit or criminal court may commit any boy over ten years and under seventeen years of age, to the guardianship of said institution, where complaint in writing, setting out the acts of said boy, has been filed, which complaint shall be sworn to, and due proof shall be made in open court in the presence of said boy, that he is a proper subject for the guardianship of said institution in consequence of incorrigible or vicious conduct."

(Our italics.)

It is the view of the writer that this section of the act of 1883 was not repealed by the Juvenile Court Act (Acts 1903, p. 516), and that the same is still in full force and effect.

In your circular letter, a copy of which was enclosed for the information of this office, I find the following statement:

"In June, 1930, the attorney general rendered an opinion to the effect that only juvenile courts, or courts having juvenile jurisdiction, have legal authority to commit boys to this institution, and there is now no legal power to commit a boy who is more than 16 years of age at the time the court shall make the order of commitment, no matter what the charge against the boy may be."

I find no opinion rendered by this office in June, 1930; but I presume you refer to the opinion dated July 10, 1929, and found in Opinions, Attorney General of Indiana, 1929-30, at page 1017.

Apparently, the opinion of this office referred to has been misconstrued. The writer does not understand the opinion in question to hold that a boy more than 16 years of age cannot be committed to your institution, but understands it as saying that a boy more than 17 years of age cannot be so committed. In fact, the opinion specifically points out Sec. 12534, Burns' Annotated Indiana Statutes, Revision of 1926 (which is the section under which Donald Brumbaugh was committed), as applying to boys "under seventeen years of age" who are charged as being incorrigibles. The opinion
further points out that the age limit, as affecting jurisdiction of juvenile courts under the Juvenile Court Act (Sec. 1705 Burns Annotated Indiana Statutes, Revision of 1926) is "before he has completed his sixteenth year."

I would call your attention again to the opinion of July 10, 1929, in which I fully concur. It is my opinion that Donald Brumbaugh should be accepted as an inmate of your institution, if there is available room, and if the boy is not feeble minded or physically unfit.

PURDUE UNIVERSITY: Concerning branding of fresh fruits and vegetables packed or offered for sale in closed containers within this state.

May 18, 1933.

Mr. F. C. Gaylord,
Associate in Horticulture,
Purdue University,
Lafayette, Indiana.

Dear Sir:

I have before me your letter of May 4, 1933, requesting an official opinion of this office regarding the interpretation of certain provisions of House Bill 400 of the recent legislature, which is chapter 171 of the Acts of 1933. This act has for its purpose the branding of fresh fruits and vegetables, packed or offered for sale in closed containers within this state, for the purpose of preventing fraud and deception.

Your question deals particularly with section 2 of this act and the third provision of section 2, so much of the section reading as follows:

"Every person, firm or corporation who, by himself, or by his agent or employee, packs or repacks fresh fruits or vegetables in closed containers, intended for sale, either privately or on the open market, shall cause the same to be marked in a plain and indelible manner as follows: * * * Third. The grade, in accordance with the standards established by this act."

Section 7 of this act provides that existing federal grades, or future federal grades, are adopted by this state as the standard grades referred to in the third provision of section 2 above quoted.