

1328.

APPROVAL, BONDS OF MADISON RURAL SCHOOL DISTRICT, LAKE COUNTY, OHIO—\$51,000.00.

COLUMBUS, OHIO, December 3, 1927.

The Industrial Commission of Ohio, Columbus, Ohio.

1329.

COUNTY AGRICULTURAL SOCIETY—MAY MORTGAGE GROUNDS—UNNECESSARY TO OBTAIN CONSENT OF COUNTY COMMISSIONERS.

SYLLABUS:

A county agricultural society, under the provisions of Section 9885, General Code, has authority to mortgage the grounds of the society for the purpose of renewing or extending pre-existing debts, and for the purpose of furnishing money to purchase additional land. It is unnecessary to obtain the consent of the board of county commissioners so to do unless such commissioners have paid money out of the county treasury to aid in the purchase of the site of such grounds.

COLUMBUS, OHIO, December 5, 1927.

HON. VIC DONAHEY, *Governor of Ohio, Columbus, Ohio.*

DEAR GOVERNOR:—This will acknowledge receipt of your letter dated November 30, 1927, requesting my opinion upon a matter presented in a letter which you enclose, which letter, so far as pertinent, reads as follows:

“We are writing you to obtain if possible an opinion, relative to a County Agricultural Society placing a mortgage upon its grounds.

The title to our grounds is in the name of the Tuscarawas County Agricultural Society, and the County Commissioners never have paid any money toward the purchase of the original site or additional land, but have given us several thousand dollars to help make improvements in the way of new buildings.

We would like to have an opinion from the Attorney General as to whether or not a mortgage can be placed upon the grounds, and if so under what conditions.”

Your attention is directed to Section 9885, General Code, which provides:

“County societies which have been, or may hereafter be organized, are declared bodies corporate and politic, and as such shall be capable of suing and being sued, and of holding in fee simple such real estate as they have heretofore purchased, or may hereafter purchase, as sites wherein to hold their fairs. *They may mortgage the grounds of the society for the purpose of renewing or extending pre-existing debts, and for the purpose of furnishing money to purchase additional land.* But if the county commissioners have paid money out of the county treasury to aid in the purchase of the site of