

You are therefore advised, in answer to your questions, that it is the opinion of the Attorney-General that:

1. In cities which had a population of eleven thousand eight hundred and less than one hundred thousand, as announced by the secretary of state in his official proclamation of January 21, 1921, a general registration of all the electors in such cities shall only be had quadrennially at each and every presidential election, and the first general registration in such cities following the official announcement of the federal census of 1920, would take place in such cities in the presidential year 1924.

2. The members and the clerks of the boards of deputy state supervisors of elections and the boards of deputy state supervisors and inspectors of elections, as the case may be, cannot draw the additional compensation provided in section 4942 G. C. until the presidential year of 1924 following the official announcement of the federal census by the secretary of state on January 21, 1921.

3. The cities of the state which had a population of eleven thousand eight hundred and less than one hundred thousand, as announced in the proclamation of the secretary of state of January 21, 1921, do not begin paying their share of the registration expenses provided under section 4946 G. C. until the presidential year of 1924.

4. Under the provisions of section 4947 G. C., the council of any city or village having a population of less than eleven thousand eight hundred, may provide for a general registration of the electors in such municipality, but such general registration brought about by action of the council of a municipality can take place only in the presidential years and in the manner and at the time required by law in those cities which have quadrennial registration.

Respectfully,  
JOHN G. PRICE,  
*Attorney-General.*

2139.

ROADS AND HIGHWAYS—WHERE VILLAGE PAID INTO COUNTY  
TREASURY MONEY TO PROVIDE FOR VILLAGE'S SHARE OF  
COST OF STATE AID HIGHWAY IMPROVEMENT—DEPOSITORY  
INTEREST ON SUCH MONEYS TO BE CREDITED TO VILLAGE.

*Where a village, under authority of sections 1193-1 and 1193-2 G. C., has paid into the county treasury a sum of money to provide for the payment of the village's share of the cost of a state aid highway improvement, depository interest paid to the county on account of such sum is to be credited to the village and is to form part of the balance, if any, to be refunded to the village on completion of the improvement work.*

COLUMBUS, OHIO, June 6, 1921.

HON. H. H. DEMUTH, *Prosecuting Attorney, Bryan, Ohio.*

DEAR SIR:—You have submitted to this department the following statement and inquiry:

“By proceedings previously had the village of Stryker, Williams county, Ohio, on December 22, 1919, turned over to the treasury of

Williams county \$25,000 as a part of its portion of the cost of an improved road running through said municipality, said road being constructed, or to be constructed, by state aid, the county likewise paying a part of the costs thereof. The road was sold on December 31, 1920, being a delay of more than a year from the turning over of Stryker's \$25,000. The question is: Is Stryker entitled to and should there be turned over to it the depository interest accumulating on this sum for that period of time "

The subject of contribution by a village to a state aid highway improvement undertaken upon application of a county or township is dealt with in sections 1193-1 and 1193-2, G. C. Among other provisions found in section 1193-1 are the following:

"The village shall pay to the county or township treasury, as the case may be, its proportion of the estimated cost and expense of said improvement as fixed in the agreement between the council and the county commissioners or township trustees, and after the completion of said work and the payment of the cost and expense thereof any balance of the funds contributed by said village shall be refunded to it to be disposed of according to law."

Similar provisions are found in section 1193-2 relating to cases where at the instance of the village, a road is improved to a greater width than that contemplated by the proceedings of the state highway commissioner and county or township.

Applying the rule stated in an opinion of this department of date November 26, 1920, (Opinions Attorney-General, 1920, Vol. II, p. 1100), in substance, that interest follows the fund, the answer to your question is that depository interest earned on the \$25,000 paid into county treasury by the village should be passed to the credit of the village and retained in the county treasury as part of the fund until the work is completed, at which latter time the balance, if any, remaining in the \$25,000 fund, with such interest earnings added, will be refunded to the village "to be disposed of according to law." If the village has procured the \$25,000 through an issue of bonds, the balance refunded to the village will be placed by it in its sinking fund, in accordance with sections 3804 and 5654, G. C.

Respectfully,

JOHN G. PRICE,  
*Attorney-General.*