relating to their supervision over the recording of instruments discloses that they are authorized to let contracts for sectional indices when in their opinion such indices are needed. See Sections 2766 and 2767, General Code.

This is the only instance in which the legislature has evidenced an intent to allow county commissioners to provide for the making of records kept in the county recorder's office by a person or persons other than the recorder.

As county elective officers have only such powers as are granted by statute and such implied powers as are necessary to carry these express powers into effect, it is apparent that county commissioners, with the above noted exception, have no express or implied authority to dictate by whom records in the office of the county recorder should be copied.

It is therefore my opinion that the reindexing of deed records is properly one of the duties of the county recorder's office, and the supervision of the same should be under his direction, which comprehends the right to employ the persons to be engaged in such work.

Respectfully,
GILBERT BETTMAN,
Attorney General.

3115.

COUNTY COMMISSIONERS—UNAUTHORIZED TO CONTRACT FOR A SURVEY OF OFFICE LAYOUT, ACCOUNTING SYSTEMS, ETC., FOR COUNTY OFFICES—OPINION NO. 2887, 1931, AFFIRMED.

SYLLABUS:
Opinion No. 2887, *rendered January* 30, 1931, *affirmed.*

COLUMBUS, OHIO, April 2, 1931.

HON. ROBERT N. GORMAN, *Prosecuting Attorney, Cincinnati, Ohio.*

DEAR SIR:—Your letter of recent date is as follows:

> "In your opinion No. 2887 of recent date rendered to this office, you advised us that it was not within the power of the county commissioners to contract for a survey of office layout, accounting systems, personnel, etc., of the various county offices.
>
> At this time we wish to ask you to consider Section 2419 of the General Code of Ohio with reference to the inquiry covered by your aforesaid opinion. Section 2419 provides in part as follows:
>
> 'They (the county commissioners) shall also provide all the equipment, stationery and postage, as the county commissioners may deem necessary for the proper and convenient conduct of such offices, and such facilities as will result in expeditious and economical administration of the said county offices. * * * * * *.'
>
> May we respectfully call your attention to the fact that all physical equipment seems to be covered by the phrase—'They shall also provide all the equipment', leaving the phrase—'such facilities as will result in expeditious and economical administration of the said county offices' as surplusage unless it were to refer to something of the nature of our inquiry.
>
> In view of the fact that the above quoted section was not mentioned in

your opinion, we are taking the liberty of asking you for your opinion as to the construction of its contents."

The Syllabus of Opinion No. 2887, which opinion was rendered to you January 30, 1931, and which you request me to consider in the light of Section 2419, is as follows:

"County commissioners, under existing laws relating to county government, are not authorized to contract for the employment of a bureau of governmental research to make a survey and study of county offices and institutions, which survey consists of recommending new systems of accounting, advising as to a new system of budget procedure, reporting on personnel, office lay-out, contract procedure, budgeting, etc. Action of State Bureau of Inspection and Supervision of Public Offices upheld."

Although, as you state, Section 2419, General Code, was not mentioned in the foregoing opinion, it was given consideration in the preparation of the opinion. This section provides:

"A court house, jail, public comfort station, offices for county officers and an infirmary shall be provided by the commissioners when in their judgment they or any of them are needed. Such buildings and offices shall be of such style, dimensions and expense as the commissioners determine. They shall also provide all the equipment, stationery and postage, as the county commissioners may deem necessary for the proper and convenient conduct of such offices, and such facilities as will result in expeditious and economical administration of the said county offices. They shall provide all room, fire and burglar-proof vaults and safes and other means of security in the office of the county treasurer, necessary for the protection of public moneys and property therein."

Your specific inquiry is directed to the third sentence of the foregoing section. The history of this sentence is interesting. It was inserted in the section by the legislature in 1919, when the section was last amended, after the rendition of an opinion of this office appearing in Opinions of the Attorney General for 1919, Vol. I, p. 339, holding as set forth in the syllabus:

"The county commissioners are without authority to reimburse the county treasurer for postage expended by him in mailing out the tax bills to taxpayers, whether delinquent or not."

In view of this amendment it has been held that the expense of necessary stationery and postage for mailing tax bills when requested by the county treasurer must be allowed by the county commissioners. *State, ex rel.* v. *Kraft*, 19 O. A. 454. In the opinion of the court, the following language is used at p. 456, 457, after quoting the portion of the section added in 1919:

"We have no doubt but that this language vests ample authority in the county commissioners in the exercise of their discretion to provide stationery and postage for the purposes named. It is significant that the amendment to the statute was made almost immediately after the publication of the opinion of the attorney general, and was evidently designed to supply the authority the lack of which was indicated in that opinion."

This amendment of Section 2419 was contained in House Bill No. 524, passed by the 83rd General Assembly, being an act "To amend section 2419 of the General Code

authorizing the county commissioners to expend funds for the establishment, equipment and maintenance of public offices." The title of this act is clearly indicative of its scope. In speaking of the purport of the preamble or prefatory statement of a statute, Lord Coke says: It is "a good means to find out the meaning of the statute, and is a true key to open the understanding thereof." (Co. Litt. 79a; Plowd. 369).

It is a cardinal rule of statutory construction that a statute is passed as a whole and not in parts. It is animated by one general purpose and intent. Therefore, each part should be construed in connection with every other part, so as to produce a harmonious whole. As stated in *International Trust Co.* v. *Amer. L. & I. Co.*, 62 Minn. 501, 65 N. W. 632:

> "It is always an unsafe way of construing a statute or contract to divide it by a process of etymological dissection, into separate words, and then apply to each, thus separated from its context, some particular definition given by lexicographers, and then reconstruct the instrument upon the basis of these definitions. An instrument must always be construed as a whole, and the particular meaning to be attached to any word or phrase is usually to be ascertained from the context, the nature of the subject treated of and the purpose or intention of the parties who executed the contract, or of the body which enacted or framed the statute or constitution."

As to the rather broad term "facilities" used in Section 2419, supra, it is my view that this must necessarily be construed in the light of the doctrine of *ejusdem generis*. Speaking of this doctrine, it is said in Lewis' Sutherland Statutory Construction, Vol. II, pp. 814, 815, 816:

> "When there are general words following particular and specific words, the former must be confined to things of the same kind. This is known as the rule or doctrine of *ejusdem generis*. Some judicial statements of this doctrine are here given. 'When general words follow an enumeration of particular things, such words must be held to include only such things or objects as are of the same kind as those specifically enumerated.' 'The rule is, that where words of a particular description in a statute are followed by general words that are not so specific and limited, unless there be a clear manifestation of a contrary purpose, the general words are to be construed as applicable to persons or things or cases of like kind to those designated by the particular words.' 'It is a principle of statutory construction everywhere recognized and acted upon, not only with respect to penal statutes but to those affecting only civil rights and duties, that where words particularly designating specific acts or things are followed by and associated with words of general import, comprehensively designating acts or things, the latter are generally to be regarded as comprehending only matters of the same kind or class as those particularly stated. They are to be deemed to have been used, not in the broad sense which they might bear if standing alone, but as related to the words of more definite and particular meaning with which they are associated.' The general rule is supported by numerous cases.
>
> The object of enumeration is to set forth in detail things which are in themselves so distinct that they cannot conveniently be comprehended under one or more general terms; there is believed to be no *a priori* presumption that the things enumerated are all of them of the same kind. When a specific enumeration concludes with a general term it is held to be limited to things of the same kind. It is restricted to the same genus as the things enumerated."

It is manifest in view of the foregoing, that the employment of an advisory bureau

of experts to formulate systems designed to increase the efficiency of the various county offices in the performance of their governmental functions, does not constitute the provision of "facilities" for the administration of such offices within the meaning of the term as used in Section 2419, General Code.

There is a further consideration which must not be lost sight of in construing statutes conferring power upon a board of county commissioners. It is established in Ohio that a grant of power to such a board must be strictly construed. In speaking of a board of county commissioners as a quasi corporation, the Supreme Court said in the case of *Treadwell* v. *Commissioners*, 11 O. S. at p. 190:

> "A grant of power to such a corporation must be strictly construed, and when acting under a special power, it must act strictly on the conditions under which it is given."

In the last analysis, a board of county commissioners has the broad function of providing the money and the physical facilities necessary to enable the various county offices to function. It is not the province of the commissioners to study how these offices should be run. It would be a subterfuge to construe Section 2419, General Code, as providing such authority, and clearly contrary to well established rules of statutory construction. Possibly a legislative enactment conferring such authority would be of great general benefit. I can, of course, only interpret the laws as they now are in the light of the rules of statutory construction which have been laid down and followed by the courts.

I find nothing in Section 2419, General Code, to warrant varying the procedure followed by the Bureau of Inspection and Supervision of Public Offices, and approved in my Opinion No. 2887.

Respectfully,

GILBERT BETTMAN,
Attorney General.

3116.

APPROVAL, AGREEMENT FOR REMOVAL OF CONDUIT SYSTEM IN CONNECTION WITH ROAD IMPROVEMENT IN ERIE COUNTY, OHIO.

COLUMBUS, OHIO, April 3, 1931.

HON. O. W. MERRELL, *Director of Highways, Columbus, Ohio.*

3117.

APPROVAL, AGREEMENT FOR GRADE ELIMINATION NEAR JEWETT, HARRISON COUNTY, OHIO.

COLUMBUS, OHIO, April 3, 1931.

HON. O. W. MERRELL, *Director of Highways, Columbus, Ohio.*