

3204.

APPROVAL, CONTRACTS FOR ROAD IMPROVEMENTS IN LUCAS AND
FRANKLIN COUNTIES.

COLUMBUS, OHIO, May 4, 1931.

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

3205.

COUNTY AGRICULTURAL SOCIETY—UNAUTHORIZED TO MORT-
GAGE FAIR GROUNDS TO PAY PRE-EXISTING DEBTS WHEN
TITLE TO SAID GROUNDS IN COUNTY.

SYLLABUS:

Where the title to fair grounds is in the county, there is no authority for the county society to mortgage said premises for the purpose of paying pre-existing debts. Opinion of the Attorney General for 1923, page 70, considered and facts distinguished.

COLUMBUS, OHIO, MAY 5, 1931.

HON. RUSSELL M. WILHELM, *Prosecuting Attorney, Marion, Ohio.*

DEAR SIR:—Acknowledgment is made of your recent communication which reads:

“Will you please furnish the writer with your opinion on the following situation:

STATEMENT OF FACTS

The Marion County Agricultural Society has incurred a considerable deficit over several years' operation which was brought about primarily by the building of a grand stand on the local fair ground. At the time this grand stand was built it was paid for by a bond issue with the understanding that all receipts from the grand stand should be used to pay off the bond issue. This was done and these bonds were paid off with the result that the lack of these receipts from the grand stand caused the society to incur each year an increasing deficit. In 1925 the Agricultural Society borrowed nine thousand dollars (\$9,000) which amount was reduced several years ago to seven thousand four hundred dollars (\$7,400). At that time they borrowed seven thousand four hundred dollars (\$7,400) from The Marion National Bank giving a note to the bank signed by the members of the Marion Agricultural Society individually for the payment of the same. This note at The Marion National Bank is now due and the members of the Agricultural Society are insisting that they be released from any further individual liability.

Title to the local fair ground property is held in fee by the Marion County Commissioners, but the Marion County Agricultural Society has control and management of the grounds. It is now the desire of the Agri-