

See also an opinion which appears in Vol. I, Opinions, Attorney General for 1920, at page 207, the syllabus of which reads:

"The operation of a slot machine, where the player may receive trade checks ranging in value from five cents to one dollar by dropping a nickel in said machine, is a gambling device notwithstanding the player receives a package of gum with every play, and in violation of Sections 13056 and 13066, G. C."

In Opinion No. 1393, dated December 17, 1927, addressed to the Prosecuting Attorney of Vinton County, this office held:

"1. A slot vending machine is not *per se* a gambling device since it may be used and operated for innocent purposes.

2. A slot vending machine, which upon deposit of a five cent coin, will release a package of mints together with checks, which checks are merely for the purpose of replaying the machine and having one's fortune told, and which checks have no cash or trade value, is not a gambling device within the provisions of Sections 13056 and 13066, General Code."

The last opinion above referred to contains a review of the cases in Ohio which have dealt with the question which you present. A number of recent cases in sister states are cited therein which are pertinent to the inquiry which you present. I am enclosing a copy of this opinion herewith.

Specifically answering the question that you present, I am of the opinion that a slot vending machine, which upon deposit of a five cent coin, will release a package of mints together with trade or premium checks, which checks have a cash or trade value, is a gambling device within the provisions of Sections 13056 and 13066, General Code.

Respectfully,

EDWARD C. TURNER,  
*Attorney General.*

2291.

#### AGRICULTURAL FAIRS—APPROPRIATION FOR BY COUNTY COMMISSIONERS MANDATORY.

##### SYLLABUS:

*In so far as the funds in the county treasury will permit, having due regard for other expenditures made mandatory by statute, under the provisions of Section 9894, General Code, for the purpose of encouraging agricultural fairs, upon the request of any county or duly organized county agricultural society in such county which society owns, or holds under a lease, real estate used as a site whereon to hold fairs and has control and management of such lands and buildings, it is the duty of the county commissioners annually to appropriate from the general fund not to exceed two thousand dollars or less than fifteen hundred dollars to such county agricultural society for such purpose.*

COLUMBUS, OHIO, June 28, 1928.

HON. EARL D. PARKER, *Prosecuting Attorney, Waverly, Ohio.*

DEAR SIR:—This will acknowledge your letter dated June 25, 1928, which reads:

"Pike County has a duly organized County Agricultural Society, and heretofore the County Commissioners have annually appropriated a sum of money for the purpose of keeping up and encouraging the continuance of this organization. But in January, 1928, the Commissioners failed and refused to make an appropriation for the benefit of this Agricultural Society as required by Section 9894, O. L., 1927.

Does this section make it mandatory on the Board of County Commissioners to make the appropriation, and if so, what steps should the Agricultural Society take to secure this money?"

A similar question was recently presented to this office by the Prosecuting Attorney of Delaware County and answered in Opinion No. 744, dated July 19, 1927, the syllabus of which reads:

"In so far as the funds in the county treasury will permit, having due regard for other expenditures made mandatory by statute, under the provisions of Section 9894, General Code, for the purpose of encouraging agricultural fairs, upon the request of any county or duly organized county agricultural society in such county which the society owns, or holds under a lease, real estate used as a site whereon to hold fairs and has control and management of such lands and buildings, it is the duty of the county commissioners annually to appropriate from the general fund not to exceed two thousand dollars or less than fifteen hundred dollars to such county agricultural society for such purpose."

I am enclosing herewith a copy of this opinion.

Respectfully,  
EDWARD C. TURNER,  
*Attorney General.*

2292.

APPROVAL, FINAL RESOLUTIONS ON ROAD IMPROVEMENTS IN  
LUCAS AND STARK COUNTIES.

COLUMBUS, OHIO, June 29, 1928.

HON. HARRY J. KIRK, *Director of Highways, Columbus, Ohio.*

2293.

APPROVAL, ONE GAME REFUGE LEASE—DISAPPROVAL, ONE GAME  
REFUGE LEASE.

COLUMBUS, OHIO, June 29, 1928.

*Department of Agriculture, Division of Fish and Game, Columbus, Ohio.*

GENTLEMEN:—This will acknowledge your letter of June 25, 1928, in which you enclosed the following Game Refuge Leases, in duplicate, for my approval:

No.	Name	Acres
1133	George Russ, Darke County, Jackson Township.....	80
1134	J. M. & R. F. Coppess, Darke County, Richland Township.....	180