

and that they must be taken into consideration by the power company prior to the construction of pole lines upon the public highways.

Respectfully,
EDWARD C. TURNER,
Attorney General.

95.

COUNTY COMMISSIONERS—BY A VOTE OF THE PEOPLE MAY ISSUE BONDS TO LIQUIDATE INDEBTEDNESS OF COUNTY AGRICULTURAL SOCIETY—INDEBTEDNESS MUST AMOUNT TO \$15,000.00 OR MORE.

SYLLABUS:

The county commissioners may, by a vote of the people, issue bonds under authority of Sections 9888 to 9893 of the General Code, in the manner prescribed by Sections 5649-9a et seq., General Code, to liquidate an indebtedness of a county agricultural society, when the same amounts to fifteen thousand dollars (\$15,000.00) or more.

COLUMBUS, OHIO, February 23, 1927.

HON. A. E. WALTON, *Prosecuting Attorney, Upper Sandusky, Ohio.*

DEAR SIR:—I am in receipt of your letter of February 7, 1927, which reads as follows:

“The Wyandot County Agricultural Society is in debt and unable to pay its indebtedness and asks the county commissioners to assume and pay said indebtedness. How can it be done legally?”

The following statement gives approximately the indebtedness and how it was made.

In April, 1921, the Society purchased on the north side of Fair Grounds ten acres of ground for new race track, \$3800.00. Moving, rebuilding amphitheatre, \$6,000.00. Moving two horse barns, \$500.00. Filling, leveling and seeding old track, \$2,000.00.

April 1st, 1926, the Society was indebted to The Citizens Savings Bank of this city, \$20,455.00, on its promissory note of seven per cent interest, due in one year.

Society of Agriculture is indebted for last year's premiums, amounting to several hundred dollars that must also be assumed and paid.”

The method of organizing and the powers and duties of county and district agricultural societies are set out in Sections 9880 to 9910, both inclusive, of the General Code.

From your statement it is assumed that the Wyandot County Agricultural Society is properly organized and recognized as such by the Department of Agriculture and owns the land whereon to hold fairs, or that the title to such grounds is vested in fee in the county.

The answer to the question presented is found in Sections 9888 to 9893 of the General Code, as modified by Sections 5649-9a, et seq.

Section 9888, General Code, provides:

"In counties wherein there is a county agricultural society which has purchased a site whereon to hold fairs, or if the title to such grounds is vested in fee in the county, and such society is indebted fifteen thousand dollars or more, upon the presentation of a petition signed by not less than five hundred resident electors of the county praying for the submission to the electors of the county of the question whether or not county bonds shall be issued and sold to liquidate such indebtedness, such commissioners, within ten days thereafter by resolution shall fix a date which shall be within thirty days, upon which the question of issuing and selling such bonds, in amount and denomination such as are necessary for the purpose in view, shall be submitted to the electors of the county. They also shall cause a copy of such resolution to be certified to the deputy state supervisors of elections of the county, who, within ten days thereafter shall proceed to prepare the ballots and make all other necessary arrangements for the submission of such question to such electors at the time fixed by the resolution."

This and the following sections clearly authorize county commissioners, by a vote of the people and upon the conditions prescribed in such sections, to issue bonds to liquidate an indebtedness of a county agricultural society amounting to fifteen thousand dollars (\$15,000.00) or more. In this connection, however, your attention is directed to Sections 5649-9a, et seq., of the General Code, (111 O. L. 335) which relate to all bond issues and which prescribe the procedure to be followed in submitting the question of the issuance of bonds to a vote of the people.

Your attention is called to Section 9898 of the General Code, which provides:

"When a society is dissolved or ceases to exist, in a county where payments have been made for real estate, or improvements thereon, or for the liquidation of indebtedness, for the use of such society, all such real estate and improvements shall vest in fee simple in the county by which the payments were made."

and to the case of the *State ex rel. Leaverton, et al. vs. Kerns, County Auditor, et al.*, 104 O. S. 550 (decided April 11, 1922), the second syllabus of which reads as follows:

"The aid provided by Section 9880-1, General Code, is not for the purpose of furnishing financial assistance to a private enterprise, nor for lending the credit of the state thereto, but, on the contrary, is in aid of a public institution designed for public instruction, the advancement of learning and the cause of agriculture, and is not in violation of Sections 4 and 6, Article VIII of the Ohio Constitution."

In answer to your question it is my opinion that the county commissioners may, by a vote of the people, issue bonds under authority of Section 9888 et seq. of the General Code, in the manner prescribed by Sections 5649-9a, et seq., General Code, to liquidate an indebtedness of a county agricultural society, when the same amounts to fifteen thousand dollars (\$15,000.00) or more.

Respectfully,
EDWARD C. TURNER,
Attorney General.