

(2) The transcript fails to show that the county commissioners determined the route and termini of the improvement and the kind and extent thereof, or that they ordered the county surveyor to prepare plans, specifications, estimates, etc., of the proposed improvement as required by section 6911 G. C.

(3) It does not affirmatively appear that the county surveyor prepared and filed plans, estimates, etc., of the proposed amendment.

(4) The transcript fails to show that the county commissioners, after the hearing upon objections to the improvement, determined that they were still satisfied that the public convenience and welfare require that such improvement be made and that the cost and expense thereof will not be excessive in view of the public utility thereof. See section 6917 G. C.

(5) The petition for said improvement requests that the cost and expense thereof be apportioned as provided in paragraph 3 of section 6919 and that 40 per cent of the cost and expense of the improvement should be borne by Liberty township. Under this plan the amount of cost and expense to be borne by the township and county depends upon agreement and no such agreement between the county commissioners and township trustees is shown.

(6) The transcript fails to show the estimated cost and expense of the improvement. As the county commissioners are limited to the issuance of bonds to the amount of the estimated cost and expense of the improvement, a copy of such estimate is essential.

For the reasons stated, I am of the opinion that the bonds under consideration are not valid and binding obligations of Hardin county and advise the industrial commission not to accept the same.

Respectfully,
 JOHN G. PRICE,
Attorney-General.

1916.

APPROVAL, FINAL RESOLUTIONS FOR ROAD IMPROVEMENTS IN
 MEDINA AND FRANKLIN COUNTIES, OHIO.

COLUMBUS, OHIO, March 12, 1921.

HON. LEON C. HERRICK, *State Highway Commissioner, Columbus, Ohio.*

1917.

COUNTY AGRICULTURAL SOCIETIES—ENTITLED TO RECEIVE ANNUALLY AID FROM COUNTY UNDER SECTION 9880 G. C.—NOT ENTITLED TO ADDITIONAL AID PROVIDED FOR INDEPENDENT AGRICULTURAL SOCIETIES UNDER SECTION 9880-1 G. C.—HOW AMOUNT DUE UNDER SECTIONS 9880 AND 9880-1 G. C. DETERMINED.

1. *County agricultural societies organized under the provisions of Section 9880 G. C. are entitled to receive annually aid from the county, in a sum determined by the provisions of said statute, and are not entitled to the additional aid provided for independent agricultural societies under the provisions of section 9880-1 G. C.*

2. *In determining the amount the agricultural societies under the provisions of*

sections 9880 and 9880-1 G. C. a verification of the amounts paid out in regular class premiums by the fair officials may be required by the county auditor, to substantiate such claims.

COLUMBUS, OHIO, March 14, 1921.

HON. B. P. BENTON, *Prosecuting Attorney, Delaware, Ohio.*

DEAR SIR:—The following communication has been received by this department, and a request made for an opinion upon the same:

"In construing the provisions of sections 9880 and 9880-1, as found in 108 O. L., Part I, page 381, kindly answer the following questions:

1. Are county agricultural societies entitled to both the two cents for each inhabitant of the county, as provided in section 9880, and an amount equal to one hundred per centum of the amount paid in regular class premiums, as provided in section 9880-1?

2. In issuing the warrant under section 9880-1, how shall the county auditor determine the one hundred per centum of the regular class premiums? Will he take the fair official's word for it or should he require the statement to be verified by the fair officials? It seems to me the only safe way for the auditor would be to require a verification of the statement by the fair officials."

Section 9880 G. C., which is pertinent to the first question of your inquiry, provides as follows:

"When thirty or more persons, residents of a county organize themselves into a county agricultural society, which adopts a constitution and by-laws, selects the usual and proper officers, and otherwise conducts its affairs in conformity to law, and the rules of the state board of agriculture, and when such county society has held an annual exhibition in accordance with sections 9881, 9882 and 9884 of the General Code, and made proper report to the state board, then upon presentation to the county auditor, of a certificate from the president of the state board attested by the secretary thereof, that the laws of the state and the rules of the board have been complied with, the county auditor of each county wherein such agricultural societies are organized, annually shall draw an order on the treasurer of the county in favor of the president of the county agricultural society for a sum equal to two cents to each inhabitant thereof, on the basis of the last previous national census. The total amount of such order, shall not exceed one hundred per cent of the amount paid in regular class premiums, and shall not in any county exceed two cents for each inhabitant as aforesaid or the sum of eight hundred dollars, and the treasurer of the county shall pay it."

It will be observed that the amount paid to the county agricultural society by the county under the provisions of this section is determined by the provisions contained in the latter part of the statute, which partially reads as follows: "The county auditor of each county wherein such agricultural societies are organized, annually shall draw an order on the treasurer of the county in favor of the president of the county agricultural society for a sum equal to two cents to each inhabitant thereof, on the basis of the last previous national census. The total amount of such order shall not exceed one hundred per cent of the amount paid in regular class premiums, and shall not in any county exceed two cents for each inhabitant as afore-

said, or the sum of eight hundred dollars, and the treasurer of the county shall pay it."

Thus it would seem to be clearly indicated that there was contemplated by the provisions of this statute the payment only of one sum annually from the county treasury, in favor of the *county agricultural society* so organized. It is also indicated that the amount of this sum would seem to be dependent upon the amount annually paid in premiums by said agricultural society, and the total in every case limited by an amount equal to two cents for every inhabitant of said county as well as to the amount of eight hundred dollars.

Thus for the purpose of illustration, we should consider a county whose population, determined by the last census, was twenty-five thousand. The agricultural society of such a county, provided that it had complied with all the other requirements of the statute, would be entitled to receive a sum of money not to exceed five hundred dollars, and said sum could not exceed one hundred per centum of the amount paid in regular class premiums by the society annually. Presuming, in the illustrated case, that the amount paid by the society for premiums should be four hundred dollars, then said society would be entitled to receive but four hundred dollars, although the sum computed on two cents to each inhabitant would make the amount five hundred dollars in such a case, yet the provision, "*shall not exceed one hundred per centum of the amount paid in regular class premiums,*" would limit the amount to four hundred dollars.

So it would seem that while the amount of said sum to which the agricultural society is entitled is dependent upon the amount paid out in class premiums, it is also governed and limited by the "amount equal to two cents for each inhabitant of the county." To illustrate: Let us take the same county in the above illustration with a population of twenty-five thousand, but instead of the society paying four hundred dollars in class premiums, say it paid out six hundred dollars in same, then in such case one hundred per centum of this amount would be six hundred dollars, but the society could not receive this sum for it would be in excess of two cents for each inhabitant, and in the present case that sum is computed to be five hundred dollars, so in this event it would seem that the society would be entitled to five hundred dollars. For the purpose of further illustration, let it be assumed that the same county has a population of fifty thousand instead of twenty-five thousand, and the agricultural society had paid one thousand dollars in class premiums, then it would seem to follow that in such case the society would be entitled to receive one thousand dollars, but such sum would be in excess of the eight hundred dollars, as provided by statute, so that in such an event the society would be entitled to receive eight hundred dollars.

So it will be readily observed that the statute contemplated the payment annually of but one sum to the county agricultural society, and said sum is determined by the following factors:

1. In any case the amount shall not exceed eight hundred dollars;
2. The amount is determined by the rule or rate of two cents per inhabitant, determined by previous national census;
3. The amount or sum not to exceed one hundred per centum of the amount paid out by the society as class premiums.

Section 9880-1 G. C. provides:

"When thirty or more persons of a county or of contiguous counties, not to exceed three, shall have been organized into an independent agricultural society and has held an annual exhibit for three years previous to January 1, 1919, in a county wherein is located a county agricultural society, and when such independent society has held an annual exhibition, in accord-

ance with the three following sections and made proper report to the state board, then, upon the presentation to the county auditor of a certificate from the president of the state board attested by the secretary thereof, that the laws of Ohio and the rules of the board have been complied with, the county auditor of the county, if the fair board be residents of one county, shall draw an order on the treasurer of the county in favor of the president of the independent association for a sum equal to one hundred per cent of the amount paid in regular class premiums, as calculated in section 9880 herein and the treasurer shall pay said order.

If the fair board be residents of more than one county the auditors of such counties shall draw orders on their respective treasurers for the proportionate share of an amount equal to an average amount paid to the several county fair boards to be divided according to population of the counties according to the last federal census, but shall not exceed more than one hundred per cent of the amount paid in regular class premiums, nor the amount of two cents for each inhabitant of the county in which such independent fair is held and the treasurer or treasurers shall pay such order or orders from the county funds."

Construing this section it would seem to be obvious that the provisions herein contained apply to *independent agricultural societies* only, and that the intention of the statute is to encourage such independent agricultural societies by granting them aid similar to that given county agricultural societies, under the provisions of section 9880 G. C.

It would also seem to be clearly indicated that section 9880-1, supra, has in contemplation but one annual payment of money to aid such society, and that such sum is determined in a manner similar to that which determines the amount under the provisions of section 9880 G. C. So it would seem that section 9880 G. C. provides aid for *county agricultural societies* organized in accordance with its provisions, and also provides for one annual payment of such aid, and, similarly, also section 9880-1 G. C. provides aid for an *independent agricultural society* and contemplates also but one annual payment of the same to such society.

Answering specifically, therefore, your first question, it would be the opinion of this department that county agricultural societies are not entitled to both the two cents for each inhabitant of the county, as provided in section 9880 G. C., and an amount equal to one hundred per centum of the amount paid in regular class premiums as provided in section 9880-1 G. C.

Proceeding to the second question of your inquiry, "How shall the county auditor determine the one hundred per centum of the regular class premiums? Will he take the fair officials' word for it, or should he require the statement to be verified by the fair officials?": In such cases it would seem that there should be a record, or book account, in the custody of the fair officials, containing the item or amount paid out by the fair officials for the regular class premiums for the year. If this evidence should be insufficient, or otherwise uncertain, and there should be any question as to the validity of the amount in the mind of the auditor, it would seem for his own protection that he should require a verification of such statement or amount by the fair officials.

Respectfully,
JOHN G. PRICE,
Attorney-General.