

vote cast by this latter president is an illegal vote not representing any district at all under the law. But he was allowed to vote one of the secret ballots on all ballots taken, thus throwing the entire proceeding open to question.

In your statement of facts you indicate that A., on the first four ballots, received eight votes, B. received five votes and C. received three votes, making a total of sixteen votes cast, including the illegal vote appearing from the district under consideration. Beginning with the first ballot and continuing thereafter a false personnel in its total was allowed to mingle their secret ballots on every ballot taken. A. received eight votes, but if the illegal vote was cast for A. in order to give him these eight votes instead of seven, then A. did not receive eight legal votes participating in the election. In your statement of facts you say:

“If the township (district) voting had cast its single instead of double separate ballots, A. would have been chosen, as both votes cast in the township (district) were cast for B.”

However, there is little evidence to show this in a strict sense because the ballots would not show (if available) who cast any particular ballot in the sixteen permitted to vote. As long as the illegal vote appeared, no candidate had a true unquestioned total. The illegal vote might be here, it might be there.

It must be held, therefore, that there was no legal election for member of the county board of education in your county when more secret ballots were tabulated than there were districts legally represented, and the district presidents should be called together again to elect a member of the county board of education, as set forth in an opinion of the Attorney-General, appearing on page 696, Vol. 1, Opinions of the Attorney-General, 1916.

Respectfully,
JOHN G. PRICE,
Attorney-General.

1903.

TOWNSHIP TRUSTEES, NORWALK TOWNSHIP, HURON COUNTY,
OHIO—CANNOT DISPOSE OF CERTAIN LANDS EXCEPT BY PRO-
VISIONS OF SECTION 3281 G. C. OR BY SPECIAL ACT OF LEGIS-
LATURE.

The township trustees of Norwalk township, Huron county, Ohio, holding the title to lands by virtue of a special act of the legislature (72 Ohio Laws, p. 245), cannot dispose of same except under the provisions of section 3281 G. C., unless granted special authority by an act of the legislature.

COLUMBUS, OHIO, March 9, 1921.

HON. ALLAN G. AIGLER, *Prosecuting Attorney, Norwalk, Ohio.*

DEAR SIR:—Your recent communication is as follows:

“We desire your opinion concerning the title to a certain parcel of land in Norwalk township, Huron county, which is to be used for county fair purposes by our newly organized agricultural society.

On the 30th day of March, 1875, a special act was passed by the legislature of Ohio, entitled ‘An act for the relief of Norwalk township, Huron county,’ and found in Vol. 72, page 245, Ohio Laws, which reads as follows:

'WHEREAS, In the year A. D. 1872, the township trustees of Norwalk township, Huron county, levied a tax to pay the interest on certain railroad bonds, issued under an act entitled 'An act to authorize counties, cities, incorporated villages and townships to build railroads, and to lease and operate the same' (O. L., Vol. 69, page 84), the said law having been declared unconstitutional by the supreme court of Ohio, the tax so levied and collected amounting to about the sum of six thousand dollars, and remaining in the treasury of said township unappropriated; and

WHEREAS, The Huron county agricultural society has purchased, under a contract, thirty acres of land in Norwalk township, at a cost of six thousand dollars, put valuable improvements thereon, amounting to six thousand dollars, and still owe upon said land and improvements the sum of about six thousand dollars; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the trustees of Norwalk township, Huron county, be and are hereby authorized and empowered to appropriate the amount of tax, levied and collected for the purpose of paying the interest on certain railroad bonds, issued by authority of an act entitled 'An act to authorize counties, cities, incorporated villages and townships to build railroads, and to lease and operate the same' (O. L., Vol. 69, p. 84), to pay, for thirty acres of land purchased by the Huron county agricultural society. That upon the payment by said trustees of said sum of money to said agricultural society, they, the said trustees, shall take a deed for said land; Provided, however, that before the transfer of said funds shall be made, the trustees of said township shall submit the question to the voters of said township, at a special or general election, by giving at least ten days' notice thereof, at which the ballots voted shall contain the words, 'Transfer of funds, Yes,' or 'Transfer of funds, No'; if a majority of said votes shall contain the words 'Transfer of funds, Yes,' then the transfer of said funds shall be lawful, otherwise this act shall be of no effect.

"SECTION 2. That said trustees are hereby authorized and empowered to lease said lands, so purchased, to said agricultural society for a term of years, or so long as said society shall use the same, for a nominal rental per annum.

SECTION 3. That if at any time said agricultural society shall abandon or fail to use said land, the trustees of said township are hereby authorized and empowered to appropriate the same for a public park.

SECTION 4. This act shall take effect from and after its passage.'

The title to this parcel was transferred to the trustees of Norwalk township under authority of the above act and no change in said title has been made since, and the real estate mentioned therein has remained unused and unoccupied for the past twenty-eight years, there having been no county fair in this county during that period of time.

The agricultural society now wishes to avail themselves of the financial aid which the county offers under authority of section 9887-1 G. C., which reads in part as follows:

'In counties wherein there is a county agricultural society which has purchased a site whereon to hold fairs, and the title to such grounds is vested in fee in the county but the society has the control and management of the lands and buildings, if they think it for the interest of the county and society, the county commissioners may levy a tax upon all the taxable property of the county for the purpose of improving such grounds.***'

The trustees of Norwalk township are also desirous of cooperating with

the society toward the transfer of the title to this land to the county, but desire your opinion regarding the legal steps to be taken in effecting such transfer."

In considering the provisions of the act above set forth in connection with your statement of facts, the conclusion is irresistible that the title to the premises in question is in the trustees of Norwalk township. It is evident that the Huron county agricultural society referred to in the act is not the society which now desires to use the premises. Under the provisions of section 3 of the act the trustees are empowered to appropriate the lands for a public park, although such a procedure is not required. From your statement of facts it would seem that the premises have never been so appropriated, notwithstanding the agricultural society abandoned or failed to use said lands twenty-eight years ago.

Section 3281 of the General Code provides:

"The trustees may receive on behalf of the township, any donation by bequest, devise, or deed of gift, or otherwise, of any property, real or personal, for any township use. When the township has real estate or buildings which it does not need, for township purposes, the trustees may sell and convey any such real estate or buildings. Such sale must be by public auction and upon thirty days' notice thereof in a newspaper published, or of general circulation in such township."

In view of the foregoing, I am constrained to hold that there is no authority under existing law whereby the trustees of Norwalk township may dispose of the premises under consideration, except in the manner provided in section 3281 G. C., supra.

Undoubtedly, the trustees could be authorized by a special act of the legislature to transfer said premises to the county agricultural society or to the county commissioners, for fair purposes, to be controlled and managed by the county agricultural society. In the event that said premises are transferred by such authority, then of course, if the county society is properly organized and recognized as such by the secretary of agriculture, under such circumstances the county could extend aid under the provisions of section 9887-1 G. C., to which you refer.

Respectfully,

JOHN G. PRICE,
Attorney-General.

1904.

STATE BOARD OF PHARMACY—EDUCATIONAL REQUIREMENTS TO ENTER STATE SCHOOL OF PHARMACY DISCUSSED.

1. Under section 1303-1 G. C. a diploma from a legally constituted high school, normal school or academy, issued after four years of study, is declared sufficient, and the holder thereof is not required to take an entrance examination to enter the state school of pharmacy.

2. The high school thus referred to means a first grade high school, as defined in section 7658 G. C., which requires sixteen courses for graduation. No specific provisions of law lay down similar requirements for graduation from a normal school or an academy; so that as to normal schools and academies, rules covering admission to the school of pharmacy without examination must be made.

3. Under section 1303-1 G. C., the state board of pharmacy may prescribe rules