

means of physical security of like nature to the security provided for by the authorization to furnish room, fireproof and burglar-proof vaults and safes and cannot be extended to mean authorization for the county commissioners to purchase and pay for from county funds burglary or hold-up insurance or insurance against forgery for the protection of the county treasurer."

In the course of the opinion it was stated:

"The expression 'other means of security' used as it is in conjunction with other descriptive words clearly implies that these other means of security shall be such other physical means as the words fire and burglar-proof vaults and safes import. It is a familiar rule of construction of statutes that when two or more words are grouped together and have ordinarily a similar meaning but are not equally comprehensive they will qualify each other when associated. The principle involved is expressed in the maxim *noscitur a sociis* and is applicable to the construction of all written instruments, as well as to the construction of statutes. Words or expressions used in a series, as we find them in this statute, must be construed according to the context and as limitations upon each other."

Tear gas protective equipment is in my opinion physical security within the office of the county treasurer similar to fire-proof and burglar-proof vaults and safes and is properly included within the term "other means of security in the county treasury," and I am therefore of the opinion that county commissioners may properly provide tear gas protective equipment in the county treasury for the purpose of protection against robbery and hold-ups and pay for the same from county funds.

Respectfully,

GILBERT BETTMAN.

Attorney General.

2900.

COUNTY ROAD—MADE PART OF STATE HIGHWAY BUT LATER ABANDONED—DUTY OF COUNTY COMMISSIONERS TO MAINTAIN SUCH ABANDONED ROAD.

SYLLABUS:

It is the duty of the county commissioners to maintain any part of a road within the county which, while a part of the county system, was made part of the state highway system and thereafter abandoned as a state highway under the provisions of Section 1189, General Code, whereupon it reverted to its former status as a part of the county system of highways, which, in the first instance, it is the duty of the county to maintain.

COLUMBUS, OHIO, February 2, 1931.

HON. DANIEL P. BINNING, *Prosecuting Attorney, Coshocton, Ohio.*

DEAR SIR:—This will acknowledge receipt of your communication which reads as follows:

"I would like to have your opinion upon the following statement of facts:

A few years ago the commissioners of this county designated a certain township road as a county road and made it a part of the county highway system, and some months ago the State took over and made this same road a part of the state highway system. The State Highway Department has since changed the route and has eliminated a part of the road which formerly belonged to the county highway system, from the State Route as originally made.

The State having had control of this road and having eliminated it from the state highway system the question now involved is, does the road revert back and become a part of the county highway system or is the road considered a township road? It is now a question whether it is the duty of the commissioners or the township trustees to keep the road in repair."

The answer to your inquiry depends on the construction of Section 1189, General Code, which provides in part as follows:

"The director shall be authorized, upon giving notice and holding a hearing as hereinbefore provided, to abandon a highway of the state highway system or part thereof which he may determine is of minor importance, or which traverses territory adequately served by another state highway, which abandoned highway shall revert to its former status as a county or township road or municipal street. A report covering such action of the director shall be filed in the office of the director, and the director shall certify his action to the commissioners of the county or counties in which such highway or portion thereof so abandoned is situated."

It seems clear under the provisions of the section of the General Code above quoted that upon the abandonment of said road as a state highway it shall revert to the status it had immediately preceding the time said road was made a part of the state highway system. Upon the statement of facts set forth in your communication the road to which you refer would revert back and become a part of the county highway system. The county commissioners are required to maintain all roads on the county system of highways. Section 7464, sub-section b, General Code. See also my opinion No. 2155, rendered to the Hon. James M. Aungst, Prosecuting Attorney of Stark County, under date of July 24, 1930, copy of which is enclosed. It is also held in said opinion that, subject to the limitations therein provided, the county commissioners may change the status of a county road to a township road, thereby placing upon the board of township trustees the duty to improve and maintain all or such part of said road as is situated within such township.

I am of the opinion in specific answer to your inquiry that it is the duty of the county commissioners to maintain any part of a road within the county, which, while a part of the county system, was made part of the state highway system and thereafter abandoned as a state highway under the provisions of Section 1189, General Code, whereupon it reverted to its former status as a part of the county system of highways, which, in the first instance, it is the duty of the county to maintain.

Respectfully,

GILBERT BETTMAN,
Attorney General.