

authorizing the society to have the management and control of the property the equitable title must be in the society. In other words, in all those cases in which the county has furnished money the law recognizes that both the county and the society have a joint interest and control. While the former section limited the purposes for which an encumbrance could be given, it is an earlier enactment than section 9908 about which you inquire and the latter would seemingly extend the purposes for which the real estate may be encumbered to include "necessary repairs and improvements" within the limitations therein provided. While this section does not expressly say that a society may mortgage the premises when the fee to said premises is in the county, yet it does appear that when the county commissioners have paid money "for the purchase of real estate as a site for an agricultural society whereon to hold its fair," the society may mortgage such premises with the consent of the commissioners. It is probable that this section means when the title is in the county by reason of such a purchase, and it is not believed that such a construction is strained in view of the purposes intended. However, in the event that this authority does not expressly appear in this section it is believed that it is sufficiently clear by implication when the other related sections of the General Code and the intent and purposes of the entire law are taken into consideration.

Of course there are a number of other methods provided whereby the county commissioners may aid a society in the purchase of land for a site, liquidation of debts and the erection of improvements and provide for the levying of the tax or issuance of a bond within certain limitations to cover the county's share. However, it is believed that all of those methods are to be distinguished from the methods referred to in section 9908, wherein it is the purpose to enable the society to finance itself and give security therefor.

In view of the foregoing you are advised that it is the opinion of this department that a county society properly organized and in charge of the management of its affairs and in control of the real estate used for fair purposes may legally borrow money for necessary repairs and improvements and execute a mortgage upon the real estate of said society, the title of which is in the county, to secure the payment thereof when the consent of the county commissioners has been first duly entered upon their journal. Such encumbrance must not exceed fifty per cent of the appraised value as provided for in section 9908.

Respectfully,
C. C. CRABBE,
Attorney General.

91.

APPROVAL, BONDS OF GRAFTON VILLAGE SCHOOL DISTRICT, LORAIN COUNTY, \$15,000, TO FUND CERTAIN DEFICIENCIES OF THE DISTRICT.

COLUMBUS, OHIO, February 21, 1923.

Department of Industrial Relations, Industrial Commission of Ohio, Columbus, Ohio.