

learning and the cause of agriculture, *State ex rel. vs. Kearns*, 104 O. S., 550. Whether, strictly speaking, these societies are private or public corporations, they are without a doubt, subject to regulation by the Legislature, inasmuch as they are creatures of law, and to a large extent, subject to supervision by the State Board of Agriculture in conformity to the statute authorizing such supervision.

In so far, however, as they are not regulated either by statute or by the rules of the State Board of Agriculture, they have a right to control their internal affairs as may seem best, which may be done to some extent by the adoption of by-laws.

I find nothing in the statutes to prevent a county agricultural society from creating such positions as it may see fit, or of paying such salaries as may seem proper, nor are there any rules of the State Board of Agriculture governing the salaries that may be paid to the president, secretary or other officials, and while the law does not favor sinecures, it seems that inasmuch as no attempt at regulation of the subject is made by law or rule of the State Board of Agriculture, the matter of salaries to be paid to officials and employes of county agricultural societies is left entirely to the society itself.

I am therefore of the opinion that unless the creation of the office of "Honorary Secretary", with a salary attached to the office, is prohibited by a by-law of the society, a county agricultural society may create such an office and provide for the payment of a salary to the person occupying the office.

Respectfully,

GILBERT BETTMAN,
Attorney General.

2532.

APPROVAL, ABSTRACT OF TITLE TO LAND OF CATHERINE GREEN
IN CITY OF COLUMBUS, FRANKLIN COUNTY, OHIO.

COLUMBUS, OHIO, November 14, 1930.

HON. CARL E. STEEB, *Business Manager, Ohio State University, Columbus, Ohio.*

DEAR SIR:—There has been submitted for my examination and approval an abstract of title, warranty deed and encumbrance estimate No. 1157 relating to the proposed purchase by the State of Ohio of a certain lot and parcel of land situated in the city of Columbus, Franklin County, Ohio, which is owned of record by one Catherine Green, widow, and which is more particularly described as being Lot No. 32 of Critchfield and Warden's Subdivision of the south half of the north half of Lot No. 278 of R. P. Woodruff's Agricultural College Addition to the city of Columbus, Ohio, as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book 4, page 234, Recorder's Office, Franklin County, Ohio.

Upon examination of the abstract of title submitted, I find that said Catherine Green has a good and indefeasible fee simple title to the above described property, free and clear of all encumbrances whatsoever except the taxes on said property for the last half of the year 1929, amounting to \$2.41, and excepting also the taxes for the year 1930, the amount of which is undetermined. These taxes are, of course, a lien upon said property.

Upon examination of the warranty deed tendered by said Catherine Green, I find that the same has been properly executed and acknowledged by her and that the form of said deed is such that it conveys the above described property to the State

of Ohio by fee simple title, free and clear of all encumbrances whatsoever, except the taxes due and payable on and after the June, 1930, payment of taxes. From this exception in the warranty clause of said deed, I assume that in the negotiations relating to the purchase of this property you have assumed and agreed to pay the taxes which are now a lien upon said property, or that in any event said Catherine Green is not required to pay the same. However this may be, some adjustment should be made before the transaction relating to the purchase of this property is closed.

Encumbrance estimate No. 1157, which has been submitted as a part of the files relating to the above described property, has been properly executed and approved, and the same shows that there is a sufficient balance in the appropriation account to pay the purchase price of said property, which purchase price is the sum of \$275.00. Said encumbrance estimate likewise carries the notation that by action of the Controlling Board the purchase price of this property has been released by said board for the purpose of acquiring said property.

Said abstract of title, warranty deed and encumbrance estimate No. 1157 are accordingly hereby approved by me and the same are herewith forwarded to you.

Respectfully,

GILBERT BETTMAN,
Attorney General.

2533.

MIAMI RIVER—DREDGING AND IMPROVEMENT THEREOF—EXPENDITURE OF MONEY—WHAT AMOUNTS AND BY WHOM.

SYLLABUS:

When the money necessary for the purpose is released by the Controlling Board out of the appropriation made by the 88th General Assembly for the improvement of the Miami River from Indian Lake to Quincy, the Superintendent of Public Works is authorized to expend such money for the acquisition of the Quincy Dam by appropriation or otherwise. The balance of the money in said appropriation account, when released for the purpose by the Controlling Board and to the extent of the money so released, may be paid over to the treasurer of the proper county to be used in addition to assessments levied by the joint board of county commissioners for the purpose of dredging and otherwise improving said river.

COLUMBUS, OHIO, November 14, 1930.

HON. ALBERT T. CONNAR, *Superintendent of Public Works, Columbus, Ohio.*

DEAR SIR:—This is to acknowledge receipt of your communication, requesting my opinion on certain questions, hereinafter stated, with respect to your power and authority in the expenditure of an appropriation made by the 88th General Assembly in House Bill 513, for the improvement of the Miami River between Indian Lake and the Quincy Mill Dam. This appropriation, which is made to the Department of Public Works, is in words and figures as follows:

“For the removal of the Quincy Mill Dam and the dredging of Miami River, starting at the Quincy Mill Dam and dredge to Indian Lake, to deepen, widen and straighten; the Quincy Mill Dam to be removed before the dredging is started; subject to release and supervision by the Controlling Board ----- \$100,000.00.”