

prisoners and the cost of preparing it, but for such other items of expense as are personal to the prisoner himself, such as clothing, laundry work, medical attendance and nursing when necessary, and the cost of providing for the personal cleanliness of the prisoner, and that such charge must be on the basis of the actual cost of the things provided. The subsistence of federal prisoners in county jails calls for the furnishing of not only food, but all other things to properly support such prisoners. The sheriff is charged with the duty of providing this subsistence and the adjustment of the accounts for the cost of such subsistence is a matter between the sheriff and the federal government, acting through the Attorney General of the United States, pursuant to Section 699 of the Federal Code, which section provides as follows:

“The Attorney General shall contract with the managers or proper authorities having control of prisoners confined in state or territorial jails or penitentiaries under Section 696 of this title, for the imprisonment, subsistence, and proper employment of them, and shall give the court having jurisdiction of such offenses notice of the jail or penitentiary where such prisoners will be confined.”

Respectfully,
EDWARD C. TURNER,
Attorney General.

612.

TRUSTES OF OHIO STATE UNIVERSITY—WITHOUT AUTHORITY TO DISBURSE MONEYS APPROPRIATED UNDER SECTION 9921-6, GENERAL CODE, FOR PAYMENT OF ADDITIONAL SALARY TO THE COUNTY AGRICULTURAL AGENT OR FOR OFFICE EXPENSES OF SUCH AGENT.

SYLLABUS:

The trustees of Ohio State University are without authority to disburse moneys, appropriated under authority of Section 9921-6, General Code, out of the agricultural extension fund for the payment of additional salary to the county agricultural agent or for payment of a stenographer or other office expenses of such agent.

COLUMBUS, OHIO, June 13, 1927.

Bureau of Inspection and Supervision of Public Offices, Columbus, Ohio.

DEAR SIR:—This will acknowledge receipt of your letter of recent date which reads as follows:

“You are respectfully requested to furnish this department your opinion on the following question:

Question: In view of the provisions of Section 9921-4 of the General Code may an appropriation made by the county commissioners under the provisions of Section 9921-6 G. C., be used, first, in the payment of additional salary to the county agricultural agent; and second, for the payment of the

salary of a stenographer for the agricultural agent or for any other office expenses of such agent?"

Section 9921-6, General Code, about which you inquire, was passed April 10, 1919, (108 O. L., part I, 364) the title of the act being:

"To further supplement Section 9921 by the addition of supplementary Section 9921-6 of the General Code, authorizing the employment of home demonstration agents in the several counties of the state, and providing for further development of agriculture."

This section provides in part as follows:

"The county commissioners of each and every county of the state in addition to the powers conferred in Section 9921-4 of the General Code are hereby authorized and empowered to make additional appropriations annually to further the development of agriculture and country life in the county including the employment of a home demonstration agent and the county commissioners of said county or counties are authorized to set apart and appropriate said sum of money and transmit the same to the state treasurer who shall place it to the credit of the agricultural extension fund to be paid for the purpose aforesaid by warrant issued by the auditor of state on voucher approved by the Ohio State University. If, for any reason, it shall not be used as contemplated in this act, it shall revert to the county from which it came. * * * (Then follows the general duties of such home demonstration agent) * * * . After having appropriated under this section and a home demonstration agent having been employed for the county, the county commissioners shall appropriate under this section in each succeeding year for five years not less than one thousand dollars."

The question that you present involves a construction of not only Section 9921-6, General Code, but also of Sections 9921-1 to 9921-5, General Code, which relate to the same subject and have the same general purpose, and are statutes *in pari materia*. As the rule is stated in 36 Cyc. 1147:

"In the construction of a particular statute, or in the interpretation of any of its provisions, all acts relating to the same subject, or having the same general purpose, shall be read in connection with it, as together constituting one law. * * * So far as reasonably possible the several statutes * * * should be harmonized and force and effect given to each."

Section 9921-6, *supra*, and the sections *in pari materia* were construed in a former opinion of this office which appears in Vol. II, Opinions, Attorney General, 1919, page 1454, the syllabus of which reads:

"Under Section 9921-6 G. C. the commissioners of a county are authorized to make a general appropriation for 'the development of agriculture and country life,' the application of which is addressed to the discretion of the trustees of the Ohio State University, and their disbursement of the funds so appropriated for the employment of 'assistant county agents,' 'home demonstration agents' or 'leaders of boys' and girls' agricultural clubs' would not constitute a violation of the authority conferred under the provisions of Section 9921-1 et seq., G. C."

In that opinion Attorney General Price used the following language:

"This section is supplemental to Sections 9921-1 to 9921-5 G. C. inclusive, and in arriving at the proper determination of the question you present, it is necessary to consider the entire provisions of the law governing the county agricultural extension work together.

* * * * *

The original sections as enacted in the 105-106 session laws of the general assembly may be classed broadly as having for their purpose the development of agriculture and country life. It is true that the activity so inaugurated was to be conducted so far as said original sections provided, through the medium of the county agricultural agent, and that authority to appropriate money on the part of the county commissioners was limited to appropriations 'for the maintenance, support and expense of a county agricultural agent.' The duties of the agent were outlined in such a way as to characterize the activity as one for the development of agriculture and country life.

By the supplemental section (9921-6), it is now provided that in addition to the powers conferred by the previous enactment on county commissioners, they shall be empowered to make additional appropriations annually 'to further the development of agriculture and country life in the county', and by the language of the supplemental section, the employment of a home demonstration agent is included in the project so authorized.

Without the reference to the employment of the home demonstration agent it would hardly be contendable that the application of the additional funds whose appropriation is authorized is ascertained or limited in detail, but is rather general, and no doubt addressed to the discretion of the disbursing authority in considerable measure.

Considered in this light, about the only other source of limitation upon the application of such additional appropriations would have to be found in the limitation of the original section to the application of the appropriation for employment of county agricultural agents.

However, the natural import of the language of the supplemental section does not at all lead to the conclusion that the additional appropriations here authorized are to be regarded as simply authorizing an increased fund for salary and expenses of county agricultural agent, but on the contrary, purport to provide funds for the further development of agriculture and country life without stipulating or limiting in DETAIL the method by which such development is to be brought about, and consequently such funds expended.

The fact that this phrase is followed by the language 'including the employment of a home demonstration agent' does not import, in my judgment, a limitation or restriction of the more general language which had gone before, but rather indicates that the particularization with reference to the home demonstration agent does not exhaust the full purpose for which the appropriation may be made. If the general authority provided includes the authority to employ a home demonstration agent, the natural conclusion would be that it must be a larger authority, and not being otherwise particularized, I reach the conclusion that there is a somewhat general authority granted in the section, the administration of which is reported in the disbursing authority.

* * * Section 9921-1, which is a part of the original act relating to the subject of county extension work, provides that 'the trustees of the Ohio State University shall expend, in accordance with law, all moneys in the state treasury to the credit of the agricultural extension fund.'

From the provisions that have been considered, you are advised that the application of funds appropriated generally for 'furthering the development of agriculture and country life' by the commissioners of any county and transmitted to the state treasurer, is a matter addressed in the first instance to the discretion of the trustees of the Ohio State University, and it is not now apparent that their determination to apply such funds in the employment of assistant county agents, home demonstration agents or leaders of boys' and girls' agricultural clubs, would be an abuse of discretion as a matter of law."

I concur in the conclusions reached by my predecessor.

Section 9921-6, *supra*, provides that if the county commissioners appropriate money in furtherance of the provisions of this section the same shall be transmitted "to the state treasurer who shall place it to the credit of the *agricultural extension fund* to be paid for the purpose aforesaid," viz., "*to further the development of agriculture and country life in the county* including the employment of a home demonstration agent."

It will be noted that Section 9921-1, General Code, *inter alia*, provides :

" * * * The money so appropriated and apportioned by the United States, together with any money appropriated by the state and any county or counties, to make available the aid extended by the United States in the aforesaid act, shall be set aside and designated as "*the agricultural extension fund*" and used in accordance with the provisions of this act for the extension service of the college of agriculture of the Ohio State University. *The trustees of the Ohio State University shall expend, in accordance with law, all moneys in the state treasury to the credit of the agricultural extension fund.*" (Italics the writer's).

Although money appropriated under authority of Section 9921-6, *supra*, is placed to the credit of the "agricultural extension fund" and there commingled with money appropriated to Ohio by the United States and money appropriated by the state and counties, as provided in Section 9921-1, General Code, this does not mean that such additional appropriations are to be regarded as authorizing an increased fund to augment the salary or for the maintenance, support and expenses of a county agricultural agent.

The legislature, by Sections 9921-2 and 9921-4, General Code, has provided money for the salary and for the support, maintenance and expenses of a county agricultural agent. These sections provide:

"Sec. 9921-2. From moneys appropriated by the state for the employment of agricultural agents, not to exceed three thousand dollars in any one year shall be expended for any county that shall raise at least one thousand dollars for the support of an agricultural agent for one year, and shall give satisfactory assurance to the trustees of the Ohio State University that a like sum shall be raised for a second year, or shall establish and maintain a county experiment farm as provided in the statutes. To secure this aid from the state, the board of county commissioners of any county

shall agree to the employment of an agricultural agent approved by the dean of the college of agriculture of the Ohio State University."

"Sec. 9921-4. Each and every county of the state is authorized and empowered to appropriate annually not to exceed fifteen hundred dollars, for the maintenance, support and expenses of a county agricultural agent, and the county commissioners of said county or counties are authorized to set apart and appropriate said sum of money and transmit the same to the state treasurer who shall place it to the credit of the agricultural extension fund to be paid for the purpose aforesaid, on warrant issued by the auditor of state in favor of the Ohio State University. If for any reason it shall not be used as contemplated in this act before the expiration of two years, it shall revert to the county from which it came."

By the provisions of Section 9921-2, supra, in order to secure state aid, the county commissioners must agree to the employment of an agricultural agent approved by the dean of the college of agriculture of Ohio State University. In any county that raises at least one thousand dollars for the support of an agricultural agent for one year and gives satisfactory assurance that either a like sum will be raised for a second year or that a county experiment farm will be established and maintained as provided in this act, the trustees of Ohio State University may expend from moneys appropriated by the state not to exceed three thousand dollars in any one year for the employment of agricultural agents.

Section 9921-4, supra, authorizes and empowers each county of the state to appropriate annually *not to exceed fifteen hundred dollars*, for the maintenance, support and expenses of a county agricultural agent.

By the provisions of these two sections the legislature has not only provided for the salary and for the support, maintenance and expenses of a county agricultural agent but has fixed a maximum amount which any county may appropriate and expend for these purposes.

The appropriation contemplated in Section 9921-6, supra, is for additional or supplemental purposes to that provided for in Section 9921-2 and 9921-4, supra, and authorizes appropriations for the further development of agriculture and country life in the county without stipulating or limiting in detail the method by which such development is to be brought about and such funds expended.

Two fundamental rules of statutory construction are applicable, viz.: The rule, well settled in this state, to the effect that statutes involving the expenditure of public funds must be strictly construed and where the authority to make expenditures is questioned all doubts are to be resolved against the expenditure and the rule that it is always presumed that the legislature, in the passage of an act, knew the then existing state of the law.

Having made provisions for the salary and for maintenance, support and expenses of a county agricultural agent and having provided a maximum amount which may be expended for these purposes, the legislature enacted Section 9921-6, supra, to "further the development of agriculture and country life in the county" by other and additional methods.

For these reasons and answering your questions specifically I am of the opinion that the appropriation authorized by Section 9921-6, General Code, may not be used in the payment of additional salary to the county agricultural agent, nor for the payment of the salary of a stenographer or any other office expenses of such agent.

Respectfully,
EDWARD C. TURNER,
Attorney General.