

upon the lease and upon the duplicate and triplicate copies thereof, all of which are herewith enclosed.

Respectfully,  
GILBERT BETTMAN,  
*Attorney General.*

4756.

APPROVAL, LEASE TO ABANDONED OHIO CANAL LANDS IN PICKAWAY COUNTY, OHIO, FOR RIGHT TO USE FOR COTTAGE SITE AND AGRICULTURAL PURPOSES—JOHN W. DONAHEY AND JAMES M. DONAHEY.

COLUMBUS, OHIO, November 18, 1932.

HON. T. S. BRINDLE, *Superintendent of Public Works, Columbus, Ohio.*

DEAR SIR:—By communication of recent date, you have submitted for my examination and approval, a certain canal land lease in triplicate executed by you in your official capacity as Superintendent of Public Works and as Director of such department by which instrument there is leased and demised to John W. Donahey and James M. Donahey, of Columbus, Ohio, a certain parcel of abandoned Ohio canal lands situated in Harrison Township, Pickaway County, Ohio. The parcel of abandoned Ohio canal lands covered by this lease, which parcel is to be used by said lessees for Cottage Site and Agricultural purposes, is more particularly described in said lease as follows:

“Beginning at a line drawn across said canal property through Station 2562+34 of the A. Albright survey of said canal property, and being the southerly end of leases granted to Paul Peters and Henry Barcus under date of May 3rd, 1929, and running thence southerly with the lines of said canal property, including the basin opposite Station 2568, nineteen hundred and eighty-six (1986') feet, more or less, as measured along the transit line of the said survey, to the northerly line of the road crossing said canal at Station 2582+34, and containing five (5) acres, more or less.”

Upon examination of this lease, which is one for a term of fifteen years, and which provides for an annual rental of Fifteen Dollars, payable in semi-annual installments, I find that the same has been properly executed by you in your official capacity as Superintendent of Public Works and by the lessees above named.

The lease of the abandoned Ohio canal lands here in question is apparently subject to the provisions of the act of the 88th General Assembly under date of April 19, 1929 (113 O. L. 524); and in the consideration of this lease, and the provisions thereof, I assume that no application for the purchase or lease of this property has been made by any person or corporation having prior rights to the purchase or lease of this property under Sections 3 and 4 of said act. It should be further noted that the rights of the above named lessees under this lease are likewise subject to the provisions of Amended Substitute Senate Bill 69, enacted

by the 89th General Assembly under date of April 22, 1931 (114 O. L. 518.) By this act, any abandoned canal lands may be taken over for public park or recreational purposes by any village, city, township, county or other taxing district any time within two years from the effective date of said act.

Subject to the conditions and limitations above noted, this lease is approved by me as to legality and form as is evidenced by my approval upon the lease and upon the duplicate and triplicate copies thereof, all of which are herewith returned.

Respectfully,

GILBERT BETTMAN,  
*Attorney General.*

4757.

SALARY—COUNTY OFFICIAL MAY VOLUNTARILY RETURN PORTION AND DESIGNATE PARTICULAR FUND IT SHOULD BE PLACED IN—IN ABSENCE OF DESIGNATION GOES IN GENERAL FUND.

*SYLLABUS:*

1. *The proper method for an elected county official to take a voluntary reduction in salary during his existing term is to draw his full salary and return as much of it as he desires to the county by way of gift.*

2. *The proper method of offering such a gift and of its acceptance by the county is for the giver to tender the gift to the county, with such conditions attached as he may desire. The county commissioners should accept the same by formal resolution and apply the subject of the gift in accordance with the terms and conditions upon which it is given.*

3. *If the donor so desires he may designate that the subject of his gift must be used for such a particularly designated county purpose as he specifies, and if he so desires, he may stipulate that it be credited to a particular fund.*

4. *If no fund is designated, and no terms or conditions are attached to the gift, it vests in the board of commissioners for the use of the county, and should be credited to the general fund of the county, unless a special fund is created to receive it by authority of Section 5625-11, General Code.*

COLUMBUS, OHIO, November 18, 1932.

HON. ROBERT N. GORMAN, *Prosecuting Attorney, Cincinnati, Ohio.*

DEAR SIR:—This will acknowledge receipt of your request for my opinion, which reads as follows:

“Mr. Edgar Friedlander, Treasurer of Hamilton County, advises me that he has on hand several checks from elected county officials and communications stating that they desire to voluntarily turn back part of their salaries to the county. They desire to give this money to the General Fund if it is permissible to designate a fund. The Treasurer has asked for my opinion as to what fund to credit these checks.

Under Article II, Section 20, of the Ohio Constitution, salaries of any officers may not be changed during an existing term unless the