

it was not the intention of said legislative enactment to include within said penal statute step-father or step-mother. *We hold that, in the legal or ordinary acceptance of the term 'parent,' it does not include a step-father or a step-mother.* We therefore find that the common pleas court was right in reversing the judgment of conviction in the municipal court." (Italics the writer's.)

Aside from parents, the beneficiaries under section 2934 includes only those bearing the relationship of wife or children to the man who served in the armed forces of the United States. The reciprocal rights and duties flowing from the relationships of parent and children and husband and wife are more numerous and more important than those incident to the relationship of step-parent and step-children. As stated above, in regard to the duty of one party to the relation to support the other, and the rights of one party in the property of the other, there are important distinctions between the relationships of parent and child and husband and wife on the one hand and step-parent and stepchild on the other. The soldier had the duty to support his wife and children and his parents, if indigent and aged. He had no such duty in relation to his stepmother. This is a strong indication that in defining the classes of beneficiaries the legislature intended to include only those to whom a soldier owed a legal duty of support.

Specifically answering your question, I am of the opinion that the stepmother of a soldier, sailor or marine is not eligible to relief under sections 2930 et seq. of the General Code, such person not being a member of any of the classes of beneficiaries in section 2934.

Respectfully,
JOHN W. BRICKER,
Attorney General.

591.

COUNTY SURVEYOR—ENTITLED TO ALLOWANCE FOR MEALS
WHEN TRAVELING ON OFFICIAL BUSINESS—TRAVELING EX-
PENSES DISCUSSED.

SYLLABUS:

By virtue of section 2786 of the General Code, county surveyors and deputy county surveyors are entitled to allowance for meals when traveling on official business.

COLUMBUS, OHIO, April 14, 1933.

HON. VERNON L. MARCHAL, *Prosecuting Attorney, Greenville, Ohio.*

DEAR SIR:—I have your letter of recent date which reads as follows:

"I wish you would render this office an opinion as to whether or not a surveyor or deputy surveyor is entitled to meals as a part of the expenses allowed under Sections 2786 of the General Code of Ohio.

I have examined the Attorney General Reports for the year 1912, Volume I, Page 145, Opinion No. 37, — also the Attorney General

Reports for the year 1919, Volume 2, Page 1287, being Opinion No. 690, which Reports would answer the above question in the affirmative.

However, I desire an opinion from your office as to whether or not this ruling is still adhered to."

I assume that your inquiry concerns an allowance for meals while the officer is away from the county seat on strictly official business, and I shall limit my answer accordingly.

It is well settled that traveling expenses of officers and employes cannot be paid from public funds except in cases where the incurring and payment of such expenses are authorized by statute. *Jones, Aud., vs. Commissioners*, 57 O. S. 189; *Opinions of the Attorney General*, 1920, volume I, page 411.

Section 2786 of the General Code provides:

"The county surveyor shall keep his office at the county seat in such room or rooms as are provided by the county commissioners, which shall be furnished, with all necessary cases and other suitable articles, at the expense of the county. Such office shall also be furnished with all tools, instruments, books, blanks and stationery necessary for the proper discharge of the official duties of the county surveyor. The cost and expense of such equipment shall be allowed and paid from the general fund of the county upon the approval of the county commissioners. *The county surveyor and each assistant and deputy shall be allowed his reasonable and necessary expenses incurred in the performance of his official duties.*" (Italics the writer's.)

If the expense in question is allowable, it is made so by the last sentence of the section. The duties of the officers in question often require their presence in various parts of the county. Obviously, expenses for transportation and meals are incurred and must be paid either by the officer or by the county. In construing the last sentence of section 2786, one of my predecessors in an opinion, reported in *Opinions of the Attorney General*, 1915, volume II, page 1592, said:

"The duties of the surveyor being such as to require his presence in various parts of the county at different times, it follows that he must incur expenses for livery hire * * *."

It was held that the county might properly pay this expense.

You refer to the opinion of this office reported in *Opinions of the Attorney General*, 1919, volume II, page 1183, where the question presented was whether or not a deputy surveyor was entitled to board, lodging and automobile hire under section 2786. The following language appears at page 1287:

"This question was substantially answered as to board and lodging, in an opinion of this department of date January 16, 1912 (*Annual Report of Attorney General for 1912*, Vol. I, p. 145). The statutory language construed in that opinion was 'necessary actual expenses,' and the conclusion reached with respect to such language was that it permitted the inclusion of such items as meals and lodging. It is believed that the same conclusion applies to the words 'reasonable and necessary expenses,' now appearing in section 2786."

The statutory provision in question has not been amended since the rendering of that opinion, and I concur therein.

Specifically answering your inquiry, I am of the opinion that by virtue of section 2786 of the General Code, county surveyors and deputy county surveyors are entitled to allowance for meals when traveling on official business.

Respectfully,

JOHN W. BRICKER,

Attorney General.

592.

APPROVAL, LEASE OF CERTAIN RESERVOIR LAND AT PORTAGE LAKES, SUMMIT COUNTY, OHIO—W. H. HARDING.

COLUMBUS, OHIO, April 14, 1933.

HON. EARL H. HANEFELD, *Director of Agriculture, Columbus, Ohio.*

DEAR SIR:—There has been submitted for my examination and approval a certain reservoir land lease in triplicate executed by the Conservation Commissioner to one W. H. Harding of Akron, Ohio. By this lease, which is one for a stated term of fifteen years and calls for an annual rental of thirty-six dollars, there is granted to the lessee above named, the right to use and occupy for cottage sites, boathouse and docklanding purposes that portion of the state reservoir property at the Portage Lakes located on the northwesterly shore of North Reservoir in Coventry Township, Summit County, Ohio, which parcel of land so leased is further described as follows:

Beginning at a point in the southerly line of Portage Lakes Drive, that is 150 feet, as measured along the southerly line of said Drive, easterly from the northwest corner of Lot No. 1, of the Wellock Allotment as recorded in Plat Book No. 33, Page 32, Summit County Records; said point being 110 feet easterly from the line as determined by the State of Ohio and J. W. Wellock as owner of said Lot No. 1, under an application for Determination of Boundary Line filed by said J. W. Wellock under date of March 14, 1928, and recorded in Record of Determination of Boundary Line, Volume 1, Page 141, and on file at the office of Public Works at Columbus, Ohio, and running thence southerly parallel and 110 feet easterly as measured at right angles to said Determined Line, 178 feet, more or less, to the northerly water line of North Reservoir; thence northeasterly along the northerly shore line of North Reservoir, 225 feet to its intersection with the southerly line of the Portage Lakes Drive; thence northwesterly along the southerly line of said Portage Lakes Drive, 291 feet, more or less, to the place of beginning.

Upon examination of this lease, I find that the same has been properly executed by the Conservation Commissioner and by the above named lessee. I also find upon examination of the provisions of this lease and of the conditions and restrictions therein contained that the same are in conformity with section 471, General Code, under the authority of which the lease is executed, and with other sections of the General Code relating to leases of this kind.