

judgment in determining whether or not it is his legal duty to issue his warrant in any given case. He may properly refuse to issue his warrant if it appears that by mistake or fraud an amount has been allowed in excess of the sum lawfully due, or if the order was wholly unauthorized, or was based on an illegal contract, or if the officer making it acted without authority, or exceeded the legal bounds of his discretion."

I know of no provision requiring that the auditor conduct private investigations as to all the warrants presented to him. If he has facts within his knowledge which show that the payment of the claim would be illegal, it is his duty to refuse to issue the warrant therefor. However, in the absence of any such knowledge and without any circumstances which might apprise him of the likelihood that the claim is illegal, it is my opinion that the county auditor does not have the duty to make extensive investigations as to each warrant issued.

Your last question also concerns the duty of the county auditor in connection with the payment of claims certified by the Child Welfare Board, but I believe my answer to the third question is dispositive of the fourth question as well.

Respectfully,

HERBERT S. DUFFY,
Attorney General.

2667.

APPROVAL—LEASE, STATE OF OHIO, THROUGH DIRECTOR, DEPARTMENT OF PUBLIC WORKS, WITH RAVENNA AERIE No. 2164 FRATERNAL ORDER OF EAGLES, TERM SIX MONTHS, MONTHLY RENTAL \$25.00, THREE ROOMS, GROUND FLOOR, EAGLES BUILDING, 145 NORTH CHESTNUT STREET, RAVENNA, OHIO, FOR USE, DIVISION OF AID FOR THE AGED, DEPARTMENT OF PUBLIC WELFARE.

COLUMBUS, OHIO, July 6, 1938.

HON. CARL G. WAHL, *Director, Department of Public Works, Columbus, Ohio.*

DEAR SIR: You have submitted for my examination and approval a certain lease executed by Ravenna Aerie No. 2164 of the Fraternal Order

of Eagles, Ravenna, Ohio, in and by which there are leased and demised to the State of Ohio, acting through you as Director of the Department of Public Works, certain premises for the use of the Division of Aid for the Aged of the Department of Public Welfare.

By this lease, which is one for a term of six months commencing on the first day of July, 1938, and ending on the 31st day of December, 1938, and which provides for the rental of \$25.00 per month, there are leased and demised to the State for the use of the Division of Aid for the Aged of the Department of Public Welfare three rooms on the ground floor in the rear of the Eagles Building at 145 North Chestnut Street, with free ingress and egress to and from said premises from Cedar Street in the city of Ravenna, Ohio.

This lease has been properly executed by Ravenna Aerie No. 2164 of the Fraternal Order of Eagles, Ravenna, O., the lessor, by the hands of its President, Secretary and Board of Trustees, I likewise find that this lease and the provisions thereof are in proper form.

The lease is accompanied by contract encumbrance Record No. 29 which has been executed in proper form and which shows that there are unencumbered balances in the appropriation account sufficient in amount to pay the monthly rentals under this lease for July and August, 1938. This is a sufficient compliance with the provisions of Section 2288-2, General Code. This lease is accordingly approved by me and the same is herewith returned to you.

Respectfully,

HERBERT S. DUFFY,
Attorney General.

2668.

APPROVAL—CONTRACT AND BOND, STATE OF OHIO, THROUGH DIRECTOR, DEPARTMENT OF PUBLIC WORKS, WITH THE B. & T. FLOOR COMPANY, COLUMBUS, OHIO, ASPHALT TILE FLOOR COVERING, HOWARD HALL, OHIO UNIVERSITY, ATHENS, OHIO, TOTAL EXPENDITURE, \$2,754.42.

COLUMBUS, OHIO, July 6, 1938.

HON. CARL G. WAHL, *Director, Department of Public Works, Columbus, Ohio.*

DEAR SIR: You have submitted for my approval a contract by and between The B. & T. Floor Company, Columbus, Ohio, and the State of