

"1. All public property and public moneys, whether in the custody of public officers or otherwise, constitute a public trust fund, and all persons, public or private, are charged by law with the knowledge of that fact. Said trust fund can be disbursed only by clear authority of law.

2. Sections 274, 284 and 286 et seq., General Code, creating the bureau of inspection and supervision of public offices, defining its powers, and providing for the short form of pleading, are constitutional statutes.

3. Said sections are remedial statutes, and, therefore, should be liberally construed and applied to effect their clear and controlling purpose.

4. These statutes are comprehensive enough to warrant actions against either public officers, former public officers or private persons."

it is my opinion that the salary paid to such employe in his capacity as secretary to the building commission may be recovered upon finding made by an examiner of your department.

In view of the above considerations, I am of the opinion in specific answer to your questions that the clerk of the board of county commissioners employed under the provisions of Section 2409 of the General Code may not be legally employed by the building commission as secretary, and, secondly, if so employed the amount paid to him in that capacity may be recovered upon finding made by an examiner of your department.

Respectfully.

HERBERT S. DUFFY,
Attorney General.

165.

APPROVAL—LEASE TO OFFICE ROOMS IN CINCINNATI,
OHIO.

COLUMBUS, OHIO, February 23, 1937.

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

DEAR SIR: You have submitted for my examination and approval a lease which by its terms is one by and between Val Duttonhofer, Jr., of Cincinnati, Ohio, as lessor, and the Department of Public Works

of Ohio and the Department of Industrial Relations of the State of Ohio, as lessees, by which there is leased to said lessees certain premises in the Duttenhofer Building at the southwest corner of Sixth and Sycamore Streets in the city of Cincinnati, Ohio, said premises being designated as Room 53 on the fifth floor of said building.

By this lease, which is apparently one for the use of the Department of Industrial Relations of the State of Ohio, the premises above described are leased and demised for a term of two years commencing on the 1st day of January, 1937, and ending on the 31st day of December, 1938, at an annual rental of \$1200.00, payable in monthly installments of \$100.00 each.

Although this lease, as above indicated, is by its terms one made to your department and to the Department of Industrial Relations, the lease is quite properly accepted by you in the name of the State of Ohio, Department of Public Works, and from all of the provisions of the same I think that the interest of the State of Ohio as the real lessee is sufficiently indicated.

The lease has been properly executed by the lessor and inasmuch as the provisions of the lease are such as are proper in an instrument of this kind and do not in any wise contravene the laws of the state, I find that the lease substantially complies with the requirements of law with respect to leases of this kind.

I note in this connection that contract encumbrance record No. 6, which accompanies the lease, shows that there are moneys available, unencumbered for other purposes, sufficient in amount to pay the rentals on this lease for the months of January and February, 1937.

I am, accordingly, approving this lease and herewith return the same to you.

Respectfully,

HERBERT S. DUFFY.

Attorney General.

166.

APPROVAL—ABSTRACT OF TITLE, ETC. FOR TRACT OF
LAND IN JOHNSON TOWNSHIP, CHAMPAIGN COUNTY,
OHIO.

COLUMBUS, OHIO, February 25, 1937.

HON. L. WOODDELL, *Conservation Commissioner, Columbus, Ohio.*

DEAR SIR: You have submitted for my examination and approval