

acters which may either mean feet or minutes; if the character is used to mean feet, the word "feet" should be used in a redraft of the deed. Then, the form of the deed will, when corrected, be sufficient to convey the above described tract to the State of Ohio by a fee simple title, free and clear from dower and other encumbrances.

Encumbrance Record No. 54 has been properly executed and approved and the same shows that there is a sufficient balance in the proper appropriation account to pay the purchase price of this property which is mentioned as \$1,675.00. It also appears from the Encumbrance Record that the money necessary to pay the purchase price has been released for the purchase by the Control Board. Subject to the exception above noted in respect of assessments, the abstract of title and warranty deed are hereby approved and the same, with Encumbrance Record No. 54, are herewith enclosed.

Respectfully,
 GILBERT BETTMAN,
Attorney General.

4821.

SOLDIERS' RELIEF COMMISSION—MAY ESTABLISH REASON-
 ABLE RULES GOVERNING EMERGENCY RELIEF—MAY WAIVE
 REQUIREMENT ON INDORSEMENT ON VOUCHER.

SYLLABUS:

The provision of section 2939, General Code, providing that no part of an allowance made by a soldiers' relief commission shall be paid to any one without the indorsement on the voucher of the person for whom the allowance is intended does not apply to emergency allowances and such commission may, under section 2941, General Code, establish such reasonable rules which it deems advisable to govern the giving of emergency relief, and where its rules so provide, it could, in a proper case, make payment to a grocer for food furnished by him on the order of the commission to a person needing immediate relief without the indorsement of such person.

COLUMBUS, OHIO, December 16, 1932.

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

GENTLEMEN:—I am in receipt of your communication which reads as follows:

"You are respectfully requested to furnish this department your written opinion upon the following:

Section 2939 of the General Code contains the following provisions:

'Upon proper cause shown, such commission may appoint a suitable person to draw, receipt for and properly expend the allowance made to any person under these provisions, after such voucher or certificate is endorsed by the person for whom such allowance is intended, for the benefit of such person, and the indigent members of his family. And no part of such allowance shall be paid to any person without such endorsement.'

Section 2941 contains the follows:

'In case of sickness, accident, or great destitution, upon the recommendation of a township or ward committee, the relief commission may, at any time, grant immediate relief to any person entitled thereto under these provisions, under such rules as it may designate.'

QUESTION: May the payment of the amount allowed under the provisions of Section 2941, be paid to a grocer without endorsement of the person for whom the allowance is intended, as provided for in section 2939?

We are enclosing herewith copy of an order used by the Soldiers' Relief Commission, and the question is whether the county auditor may pay on this order to the grocer designated, without the endorsement of the person for whom the relief is granted."

Section 2937, General Code, reads as follows:

- "On the fourth Monday of November of each year and at such other times as may be necessary, the soldiers' relief commission shall meet at the office of the county commissioners, or in a suitable room furnished by the county for that purpose, and examine carefully the lists and statements of those reported by the township and ward soldiers' relief committees, and also all cases not included in such lists, who, before and during their session, have been recommended to the commission for aid under these provisions. If satisfied that those so recommended, or any of them are in need of assistance and are entitled thereto under these provisions, the commission shall fix the amount to be paid each month in each case to such person or family."

Section 2938, General Code, reads in part as follows:

"Upon the conclusion of such examination and the determination of the monthly allowance, the relief commission shall make a complete list of those to whom relief has been so awarded, showing the monthly amount awarded to each person, and, so far as practicable, the place of residence of each, and certify it to the auditor of the county."

I am of the view that the allowance which section 2939, General Code, provides may not be paid to any one but the person for whom the allowance is intended without his indorsement on the voucher but refers solely to the regular monthly allowance provided to be awarded by the soldiers' relief commission, and does not refer to the emergency relief as set forth in section 2941, General Code. The latter section applies only to cases requiring immediate relief and provides that such relief may be granted under such rules as the commission may designate. By this provision the commission is given greater latitude in dealing with emergency cases than is given to it by the sections dealing with monthly allowances. In fact, greater latitude is required where immediate relief is needed, as cases may arise in which the persons needing such relief would be physically unable to draw the allowance or to indorse the vouchers therefor.

I am of the opinion, therefore, that the provision of section 2939, General Code, providing that no part of an allowance made by a soldiers' relief commission shall be paid to any one without the indorsement on the voucher of the person for whom the allowance is intended does not apply to emergency

allowances and that such commission may, under section 2941, General Code, establish such reasonable rules which it deems advisable to govern the giving of emergency relief, and where its rules so provide, it could, in a proper case, make payment to a grocer for food furnished by him on the order of the commission to a person needing immediate relief without the indorsement of such person.

Respectfully,
GILBERT BETTMAN,
Attorney General.

4822.

TOWNSHIP TRUSTEES—MAY NOT CONTRIBUTE TO SUPPORT
OF VILLAGE BAND.

SYLLABUS:

A board of township trustees may not contribute toward the support of a band supported by a village located in the township.

COLUMBUS, OHIO, December 16, 1932

HON. PAUL A. FLYNN, *Prosecuting Attorney, Tiffin, Ohio.*

DEAR SIR:—Your recent communication is as follows:

“The trustees of a township in this county inquire whether or not they may contribute the sum of \$50.00 toward the support of the band supported by a village located in the township. I find nothing in the statute authorizing the township trustees to do so, but they are insistent that your opinion be obtained.”

Article X, Section 5 of the Ohio Constitution provides:

“No money shall be drawn from any county or township treasury, except by authority of law.”

An examination of the powers and duties of a board of township trustees discloses no authority whereby township moneys may be expended for the support of a band aided by a village in the township.

In this respect, Section 3620, General Code, relative to the powers of municipalities should be noted. Such section reads:

“To establish, maintain and regulate free public band concerts, free public libraries and reading rooms, to purchase books, papers, maps, and manuscripts therefor, to receive donations and bequests of money or property therefor, in trust or otherwise, and to provide for the rent and compensation for the use of any existing free public libraries established and managed by a private corporation or association organized for that purpose.”

If the intent of the legislature was to authorize the expenditure of township moneys for the support of a band, it could have so provided.