

"Under the provisions of Section 2850, General Code, a sheriff is entitled to a full day's allowance for keeping and boarding a prisoner, even though such person is in jail for only part of a day."

An examination of the authorities generally throughout the United States on this question, collated in 1 American Law Reports, Annotated, 276, discloses unanimous holdings that "no length of time of occupation on a day is necessary, to entitle an officer to his per diem."

Based on the foregoing discussion, I am of the view that the directors of a conservancy district may receive the compensation for each day, even though they may be employed only a few hours of such day.

Respectfully,
GILBERT BETTMAN,
Attorney General.

1985.

APPROVAL, LEASE FOR THE RIGHT TO USE PORTION OF OHIO CANAL, IN HANOVER TOWNSHIP, LICKING COUNTY, OHIO, FOR PURPOSE OF DRILLING FOR OIL AND GAS—A. M. HEISEY & COMPANY.

COLUMBUS, OHIO, June 13, 1930.

HON. A. T. CONNAR, *Superintendent of Public Works, Columbus, Ohio.*

DEAR SIR:—You have submitted for my examination and approval a certain lease in triplicate, executed by you as Superintendent of Public Works, on behalf of the State of Ohio, by the provisions of which there is leased and demised to A. H. Heisey & Company, of Newark, Ohio, for a term of ten years, the right to use and occupy a certain portion of the abandoned Ohio Canal, in Hanover Township, Licking County, Ohio, which is more particularly described in said lease, for the purpose of drilling thereon for gas and oil, and for the purpose of erecting thereon such machinery, tanks and pipe lines as may be necessary for the production, storage and transportation of gas and oil products obtained from wells so drilled.

The rights granted to said lessee under this lease are subject to conditions and restrictions therein provided for and the rental reserved in said lease for the right to use and occupy the abandoned canal lands here in question is one-eighth of the output of the oil and gas that may be produced by the lessee in operating under said lease.

The execution by you of the lease here in question is clearly authorized by the provisions of Section 13970, and other sections relating to your authority to lease canal lands.

The lease here in question is therefore approved by me as to its legality and form, and such approval is evidenced by my authorized signature upon said lease and upon the duplicate and triplicate copies thereof. I am not, however, expressing any opinion as to the policy of executing this lease for the consideration therein provided for, or otherwise.

Respectfully,
GILBERT BETTMAN,
Attorney General.