

within his power to detail such deputies on any particular kind of work in his office, all appointments, of course, to be approved by the court of common pleas. Each deputy so appointed has authority to act in the place of the clerk of courts in the matter of the issuing of hunters' licenses, but nowhere in the law is there found any authority for the clerk of courts to appoint a deputy and have him stationed outside of the court house in the performance of his duties.

You are therefore advised that hunters' licenses should be issued from the office of the clerk of courts and not from a private place of business, since the placing of a deputy in a private place of business, to issue hunters' licenses, would be against public policy and unauthorized by law.

Respectfully,

JOHN G. PRICE,  
Attorney-General.

2207.

COUNTY CHILDREN'S HOME—AUTOMOBILE TRUCK MAY LAWFULLY BE PURCHASED FOR USE OF SUPERINTENDENT OF SAID HOME.

*Under the provisions of sections 3104 and 3105 G. C. the trustees of county children's homes, may lawfully purchase, when they deem it expedient, an automobile truck for the use of the superintendent of said home, provided the estimate and appropriation for such purchase are made in conformity to the requirements of said sections.*

COLUMBUS, OHIO, June 29, 1921.

HON. C. A. WELDON, *Prosecuting Attorney, Circleville, Ohio.*

DEAR SIR:—You have recently submitted to this department the following inquiry:

“Will you please advise me whether the board of trustees, or the board of county commissioners, or either of said boards have the right to purchase an automobile truck for the use of the superintendent of the County Children's Home. The truck would be used in conveying supplies to and from the home by the superintendent when occasion demanded only.”

In answer to the question presented by your inquiry, attention is called to a former opinion of this department, to-wit, Opinion No. 86 Opinions of the Attorney-General, 1919, Vol. I, page 148, holding that sections 3077 to 3108 G. C. do not authorize the board of trustees of the children's home to purchase an automobile for the use of the superintendent thereof.

Two other opinions of this department may also be said to be in point: Opinions of Attorney-General, 1913, Vol. III, page 1360, holding that the county commissioners may not purchase an automobile for the use of the county surveyor in the absence of express legislative enactment; also Opinions of Attorney-General, 1914, Vol. I, page 520, holding that the words “other equipment necessary for the proper discharge of their duties” did not give authority to county commissioners to purchase automobiles for the use of district assessors in the performance of their official duties.

It may be noted that the opinions cited while being concerned with the subject of "automobiles" do not attempt in any manner to distinguish as to the purposes for which the same may be used, neither does the reasoning indicate in any particular that automobile trucks or motor vehicles used for commercial hauling were in any manner under contemplation. It is believed, however, that the type of motor vehicle referred to in these opinions is that of the ordinary passenger automobile used for the purpose of pleasure and convenience in locomotion.

While it would seem that the various sections of the code relative to county children's home do not expressly provide for the purchase of either "automobiles" or "automobile trucks," yet it is thought that a distinction between the two relative to the purposes for which the same may be used becomes important in the light of sections 3104 and 3105 G. C., which provide respectively as follows:

"Section 3104. The board of trustees shall report annually to the commissioners of the county the condition of the home, and make out and deliver to the commissioners a carefully prepared estimate, in writing, of the wants of the home for the succeeding year. Such estimate shall specify separately the amounts required for each of the following purposes, to-wit: First maintenance. Second repairs. Third special improvements."

"Section 3105. At their regular quarterly meeting at which such estimate is presented to them, the commissioners shall carefully examine the estimate, and if, in their judgment, it is reasonable and ratably within the assessment for the support of the home for the current year, or so much thereof as they deem reasonable and within such assessment, the board of commissioners shall allow and approve, and shall appropriate and set apart such amount for the use of the home. Upon the order of the trustees of the home, the county auditor shall draw his warrant upon the county treasurer, who shall pay such warrant from the fund so appropriated and set apart."

By the provisions of these two sections, there would seem to be no authority authorizing the purchase by the home of an "automobile" used for passenger or pleasure purposes in general as distinguished from an "automobile truck" or motor vehicle used for the purpose of commercial hauling, since the former could not generally be said to come within the meaning of the three purposes indicated in section 3104 G. C. However, it is not so clear that an "automobile truck" used for the purpose of conveying supplies to and from the home, may not in such a case be considered an item properly embraced within the meaning of the word "maintenance" as used in section 3104 G. C.

The word "maintenance" is defined by Webster as follows:

1. The act of maintaining, supporting, upholding, defending, or keeping up; sustenance; support; defense, vindication.
2. That which maintains or supports, means of sustenance; supply of necessities and conveniences."

Applying the definition given to the case in point, it would seem that an "automobile truck" used for the purpose of conveying supplies to and from the home might in such cases be considered an item properly to be included

within the meaning of the word "maintenance" as used in section 3104 G. C.

In view of the provisions of the two sections cited, it might be reasonably concluded that in event the trustees of the Children's Home should conclude that an "automobile truck" was necessary for the proper maintenance of said home, and should request the purchase of the same by item contained within their annual estimate to the county commissioners as provided by section 3104, and if by the provisions of section 3105 G. C. said county commissioners should approve such estimate and make proper appropriation for the same, it would seem that such a purchase may as lawfully be made as that of any other item contained within the estimate and for which appropriation had been made.

In specific answer therefore to the question contained in your inquiry, it is the opinion of this department that the trustees of the County Children's Home may lawfully purchase, when they deem it expedient, "an automobile truck" for the use of the superintendent of said home, provided, that such purchase is made in accordance with the estimate and appropriation required by sections 3104 and 3105 G. C.

Respectfully,

JOHN G. PRICE,

*Attorney-General.*

2208.

APPROVAL, TWENTY-THREE LAND LEASES COVERING STATE LANDS  
AT BUCKEYE LAKE AND INDIAN LAKE—TWO WATER LEASES,  
NEW BREMEN AND DELPHOS.

COLUMBUS, OHIO, June 29, 1921.

HON. JOHN I. MILLER, *Superintendent of Public Works, Columbus, Ohio.*

DEAR SIR:—I have your letters of June 28, 1921, in which you enclose the following leases, in triplicate, for my approval:

<i>Land Leases, Buckeye Lake</i>	<i>Valuation</i>
To Blanch J. Sullivan and Julia M. Cherry-----	\$400 00
John Miller, Columbus, O-----	600 00
Wm. J. Howle, Columbus, O-----	400 00
Thos. B. Woltz, Columbus, O-----	400 00
Stephen J. Elzey, Columbus, O-----	400 00
Mrs. E. F. Babbitt, Columbus, O-----	400 00
John Gillivan, Columbus, O-----	400 00
Wm. J. Lucks, Columbus, O-----	400 00
Mrs. N. B. Lee, Millersport, O-----	400 00
Violet B. Riehl, Columbus, O-----	400 00
Chas. A. Buchanan and George Stith-----	400 00
Frank Lefernz, Columbus, O-----	200 00
Max H. Rieser, Columbus (66 E. Main St.)-----	200 00
Olive L. Seifert, Columbus, O-----	200 00
Alice Jeremy, Columbus, O-----	200 00
Peter Schaefer, Columbus, O-----	200 00
Mary K. Leferez, Columbus, O-----	200 00
Margaret A. Holtz, 67 Warren St., Columbus, O-----	200 00
Wm. F. Becker, Millersport, O-----	200 00