

118.

## DISAPPROVAL, LEASE TO CERTAIN LANDS FOR USE OF THE TOLEDO STATE HOSPITAL.

COLUMBUS, OHIO, February 26, 1929.

HON. H. H. GRISWOLD, *Director of Public Welfare, Columbus, Ohio.*

DEAR SIR:—This is to acknowledge receipt of your communication of recent date submitting for my examination and approval a certain lease executed by one John J. Curran, whereby he leases and demises to "State of Ohio, Department of Public Welfare, for The Toledo State Hospital," a certain tract of forty acres of land in Adams Township, Lucas County, and which is more particularly described in said lease. Inasmuch as the Department of Public Welfare is not a responsible legal entity separate and apart from the Director thereof, the form of said lease is hereby disapproved and it is suggested that said lease be executed to H. H. Griswold, Director Department of Public Welfare, for The Toledo State Hospital.

It is noted that said lease is for a term of six months and that no option on the part of the lessee to rent the said lands for a further term is reserved. If as a matter of fact it is your intention to reserve such right, the same should be provided for in a new lease to be prepared by your department to be signed and executed by Mr. Curran.

For the reason first above noted herein, the lease submitted is hereby disapproved and the same is returned.

Respectfully,  
GILBERT BETTMAN,  
*Attorney General.*

119.

## COUNTY COMMISSIONERS—APPROPRIATIONS FOR EMPLOYEES OF PROSECUTING ATTORNEY—NO MANDATORY DUTY TO ALLOW SUM FIXED BY JUDGE.

## SYLLABUS:

*It is not the mandatory duty of the county commissioners to appropriate for the compensation of assistants, clerks and stenographers in the office of the prosecuting attorney, an amount of money equal to the aggregate sum allowed for said purpose by the judge or judges of the Common Pleas Court; but such county commissioners may in the exercise of their discretion appropriate for such purpose a sum of money less than that allowed by such judge or judges, and in such case no money can legally be paid out for the compensation of such assistants, clerks and stenographers in excess of the amount appropriated by the county commissioners for said purpose.*

COLUMBUS, OHIO, February 26, 1929.

HON. EARL D. PARKER, *Prosecuting Attorney, Waverly, Ohio.*

DEAR SIR:—This is to acknowledge receipt of your recent communication in which you ask my opinion on the question therein stated as follows:

"Section 2914, G. C., provides in substance that on or before the first Monday of January each year the Judge of the Court of Common Pleas may fix an aggregate sum to be expended for the incoming year, for the