

It appears that you are authorized to sell the tract of land by reason of this and other related acts concerning abandoned canal lands for the appraised value thereof above stated. And finding, as I do, that your proceedings relating to the sale of this property are in all respects regular and in conformity with the provisions of the Act of the General Assembly above noted, and other related provisions of the General Code of Ohio, I am approving this transcript and the sale of this tract of land evidenced thereby as appears by my approval endorsed upon the transcript and upon the duplicate copy thereof, both of which are herewith enclosed.

Respectfully,

THOMAS J. HERBERT,
Attorney General.

1389.

LEASE—CANAL LAND, STATE TO STANLEY ANKROM, DESIGNATED OHIO AND ERIE CANAL LAND, WAYNE TOWNSHIP, PICKAWAY COUNTY, USE, AGRICULTURAL AND COTTAGE SITE PURPOSES.

COLUMBUS, OHIO, November 6, 1939.

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

DEAR SIR: You have submitted for my examination and approval a canal land lease in triplicate, executed by you as Superintendent of Public Works and as Director of said Department, to one Stanley Ankrom, of Circleville, Ohio. By this lease, which is one for a stated term of fifteen years and which provides for an annual rental of \$6.00, there is leased and demised to the lessee above named the right to occupy and use for agricultural and cottage site purposes, that portion of the abandoned Ohio and Erie Canal land in Wayne Township, Pickaway County, Ohio, and described as follows:

“Beginning at a line drawn at right angles to the transit line through Station 3338+27, and running thence southwest-erly with the lines of said canal property, three hundred (300') feet, as measured along said transit line to Station 3341+27, and containing eight-tenths (0.8) of an acre, more or less.”

I am unable to determine from the description whether the location of this land is governed by the provisions of the Act of April 19, 1929, 113 Ohio Laws, 524, or by the earlier and more general pro-

visions of the Act of June 7, 1911, 102 Ohio Laws, 293. In any view as to this particular question, I am of the opinion that the execution of this lease is within the authority conferred upon you by law.

Upon examination of this lease, I find that the same has been executed by you as Superintendent of Public Works and as Director of said Department on behalf of the State of Ohio and by said Stanley Ankrom in the manner provided by law. I am, therefore, approving this lease, as is evidenced by my approval endorsed thereon, and upon the duplicate and triplicate copies thereof, all of which are herewith enclosed.

Respectfully,

THOMAS J. HERBERT,
Attorney General.

1390.

PRE-AUDIT EXPENSE—AUDITOR OF STATE NOT AUTHORIZED BY SECTION 3391-5 G. C. TO CHARGE OR RECEIVE FROM “LOCAL RELIEF AREA” AMOUNT IN EXCESS OF THREE-FOURTHS OF ONE PER CENTUM OF AMOUNT CONTRIBUTIONS STATE HAS MADE TO RELIEF AREA—LOCAL RELIEF AREA HAS NO AUTHORITY TO PAY IN EXCESS FROM “POOR RELIEF FUNDS”—WHEN DIRECTOR PUBLIC WELFARE DELIVERS TO STATE AUDITOR PROPER VOUCHER FOR PAYMENT STATES’ CONTRIBUTION—AUDITOR HAS NO AUTHORITY TO WITHHOLD ISSUANCE OF WARRANT ON TREASURER OF STATE—STATUS WHERE ALLEGED DEFAULT, PAYMENT CHARGES FOR PRE-AUDIT EXPENSE—SECTIONS 3391-11, 3391-12 G. C.

SYLLABUS:

1. *The Auditor of State is not authorized by Section 3391-5, General Code, or any other section of the General Code, to charge or receive from a local relief area, for “pre-audit” expense in excess of three-fourths of one per centum of the amount of the contributions which the State has made to such relief area under authority of Section 3391-12, General Code, and the local relief authority is not authorized by such section to pay in excess of such amount from “poor relief funds.”*

2. *When the Auditor of State has received from the Director of Public Welfare a proper voucher for the payment of the State’s contribution to a local relief area under authority of Section 3391-11, General Code, such Auditor has no authority to withhold the issuance of a proper warrant on the Treasurer of State, even though the local relief*