

The money contained in slot machines used for gambling which have been seized and confiscated is neither a fine nor a forfeiture. It is, however, money which comes into the hands of an officer in his official capacity and as such is money arising from "other sources" as provided in Section 5625-10 of the General Code, and it should in my opinion go to the County Treasury to be placed in the general fund.

In specific answer to your inquiry, it is my opinion that the money in slot machines seized during a gambling raid may be rightfully confiscated, and such money may not be used to pay the fines and costs imposed on the party convicted of having them in his possession, but must be accounted for by the sheriff as money taken in his official capacity to be paid into the County Treasury as provided by law.

Respectfully,

HERBERT S. DUFFY,
Attorney General.

1107.

APPROVAL—LEASE EXECUTED BY THE STATE OF OHIO
TO ONE PAUL B. McQUADE OF CHILLICOTHE, OHIO.

COLUMBUS, OHIO, September 9, 1937.

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

DEAR SIR: You recently submitted for my examination and approval a canal land lease in triplicate executed by you in your official capacity as Superintendent of Public Works and as Director of said department to one Paul B. McQuade of Chillicothe, Ohio.

By this lease, which is one for a stated term of fifteen years and which provides for an annual rental of \$9.00, there is leased and demised to the lessee above named the right to occupy and use for cottage site and agricultural purposes that portion of the abandoned Ohio Canal property, including the full width of the bed and banks thereof, located in Franklin Township, Ross County, Ohio, which is described as follows:

Beginning at a line drawn through station 150 and being the northwesterly line of a permit granted to L. D. McQuade, under date of December 11th, 1936, and running thence northwesterly with the lines of said canal property, four hundred (400') feet to station 154 as shown by plat No. 177, of W. O.

Sanzenbacher's survey of said canal property, said plat being on file at the office of the Department of Public Works at Columbus, Ohio.

Upon examination of this lease, which is executed by you under your general authority as successor to the power, authority and duties of the Board of Public Works and under the more special authority conferred by an Act of the 79th General Assembly enacted June 7, 1911, 102 O.L., 293, I find that the lease has been properly executed by you in your official capacity above stated and by Paul B. McQuade, the lessee therein named. I further find upon examination of this lease that the terms and provisions thereof and the conditions and restrictions therein contained are in conformity with said Act and with other statutory provisions relating to leases of this kind. I am accordingly approving this lease, as is evidenced by my approval endorsed upon the lease and upon the duplicate and triplicate copies thereof, all of which are herewith enclosed.

Respectfully,

HERBERT S. DUFFY,

Attorney General.

1108.

APPROVAL—LEASE EXECUTED BY THE STATE OF OHIO
TO ONE CLYDE JOHNSTON OF COSHOCTON, OHIO.

COLUMBUS, OHIO, September 9, 1937.

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

DEAR SIR: This is to acknowledge the receipt of your recent communication with which you submit for my examination and approval a canal land lease executed by you as Superintendent of Public Works and as Director of said department to one Clyde Johnston of Coshoc-ton, Ohio.

By this lease, which is one for a stated term of fifteen years and which provides for an annual rental of \$7.50, there is leased and demised to the lessee above named the right to occupy and use for driveway and agricultural purposes that portion of the abandoned Ohio and Erie Canal property, including the full width of the bed and embankments