

2542.

APPROVAL, BONDS OF VILLAGE OF SILVERTON, HAMILTON COUNTY,
OHIO—\$69,168.84.

COLUMBUS, OHIO, November 17, 1930.

Industrial Commission of Ohio, Columbus, Ohio.

2543.

GRAFTON STATE FARM—DEPARTMENT OF PUBLIC WELFARE MAY
NOT LEASE PORTIONS OF FARM FOR PURPOSES OF FEEDING
HOGS.

SYLLABUS:

There is no authority for the Department of Public Welfare to lease portions of the Grafton State Farm for the purpose of feeding hogs.

COLUMBUS, OHIO, November 18, 1930.

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

DEAR SIR:—Acknowledgment is made of the receipt of your recent communication, which reads as follows:

“This department has been considering the possibilities of a contract with a resident of Cleveland as follows:

The contractor desires to lease fifteen acres of land at the Grafton State Farm for the purpose of feeding hogs. He has a contract with the city of Lakewood for the disposal of their garbage. He proposes to erect on this fifteen acre parcel farm buildings worth eight thousand (\$8,000) dollars. He agrees to give to the state all fertilizer resulting from his operations and also that the buildings shall become the property of the state at the end of the five year period.

Will you kindly advise me whether in your opinion this department may legally make such a contract?”

It is a fundamental principle of law in this state that a state officer may not grant an interest in lands belonging to the State of Ohio, except in pursuance of specific statutory authority. No doubt there are cases wherein such authority may be implied if necessary to carry into effect an express power of some character. In this connection you are referred to an opinion found in Opinions of the Attorney General for the year 1925, page 61, wherein it was held, as disclosed by the first branch of the syllabus:

“The Department of Public Welfare may not, without specific statutory authority, lease the lands under its jurisdiction for the purpose of drilling for oil or gas.”

The following is quoted from the body of the opinion: