

to the payment of the reward by the county commissioners under the Ohio Statute.

Similar reasoning is found in *Caryl vs. State*, 135 Washington 1, where the Smith case *supra* was distinguished and the Court held as disclosed by the second branch of the syllabus:

“The conviction of one charged with the commission of a felony, having been made a condition of a reward offered by the governor for his apprehension, is not excused by the failure of the proper officers to make the charge against the accused upon which he could have been convicted; nor by the fact that after his apprehension he committed suicide before conviction.”

A case of like character and decision is *State vs. Wickliffe*, 106 Ky., 252, 50 S. W. 44. See also *Fortier vs. Wilson*, 11 U. C. C. P. 495; *Scott vs. American Express Company*, 233 S. W. 492; *State ex rel. Scott vs. Cox*, 243 S. W. 144.

In view of the limitations imposed upon county commissioners as public officials, in the exercise of such powers as are conferred upon them by statute; in view of the well established principle that public funds may be disbursed only by clear authority of law; and further because of the phrase contained in Section 2489, General Code, requiring the conviction of the person for whom the reward is offered as a condition precedent to the payment of any such reward, I am of the opinion, in specific answer to your inquiry, that a board of county commissioners having offered a reward under the provisions of Section 2489, General Code, for the detection or apprehension of any person charged with or convicted of a felony, is unauthorized to pay the amount of such reward from the county treasury unless the person detected or apprehended has subsequently been convicted.

It follows that the commissioners of Wood County, on the basis of the facts stated by you, were without authority to pay the reward offered by them in view of the fact that the death of the felon named in such reward prevented the conviction of such person as is required by Section 2489, General Code. Since the authority to pay such reward does not exist it is unnecessary to determine who, if anyone, would be entitled to the reward.

Respectfully,

JOHN W. BRICKER,
Attorney General.

3581.

APPROVAL—CANAL LAND LEASE FOR RIGHT TO OCCUPY AND USE FOR RESIDENTIAL AND AGRICULTURAL PURPOSES LAND IN VIOLET TOWNSHIP, FAIRFIELD COUNTY, OHIO—SARAH E. BENADUM HORN.

COLUMBUS, OHIO, December 6, 1934.

HON. T. S. BRINDLE, *Superintendent of Public Works, Columbus, Ohio.*

DEAR SIR:—You have submitted for my examination and approval a canal

land lease in triplicate, executed by you to one Sarah E. Benadum Horn of Carroll, Ohio. By this lease, which is one for a stated term of fifteen years and which provides for an annual rental of twenty-four dollars, payable in semi-annual installments of twelve dollars each, there is leased and demised to the lessee above named the right to occupy and use for residential and agricultural purposes that portion of the abandoned Ohio Canal property located in Violet Township, Fairfield County, Ohio, which parcel of land leased is more particularly described as follow:

TRACT NO. 1. Being the state lot, including the old buildings thereon, formerly used as a lock tender's residence, located at the foot of the guard lock on the west side of Little Walnut Creek, said guard lock being the first lock below Lock No. 18, of the said canal.

TRACT NO. 2. Being that portion of the said abandoned Ohio Canal property, including the full width of the bed and banks thereof, beginning at the westerly end of the said guard lock and extending thence westerly four hundred (400') feet.

From the location of the property above described, I assume that the same was abandoned for canal purposes by the act of June 7, 1911, 102 O. S. 293, providing for the abandonment of that part of the Ohio Canal between the Buckeye Lake flume and the Ohio River at Portsmouth. Upon consideration of the provisions of this lease and the conditions and restrictions therein contained, I find that this lease is in conformity with the provisions of the act of the legislature above referred to, and with other statutory provisions relating to leases of this kind. And inasmuch as I further find that this lease has been properly executed by you as Superintendent of Public Works and as Director of said Department, and by Sarah E. Benadum Horn, the lessee therein named, this lease is hereby approved as to legality and form, as is evidenced by my approval endorsed upon the lease and upon the duplicate and triplicate copies thereof, all of which are herewith returned.

Respectfully,

JOHN W. BRICKER,
Attorney General.

3582.

APPROVAL—LAND LEASE TO LAND IN MILLERSPORT, OHIO,
FOR THE RIGHT TO OCCUPY AND USE FOR LAWN AND
GARDEN PURPOSES.—O. C. HANSBARGER.

COLUMBUS, OHIO, December 6, 1934.

HON. T. S. BRINDLE, *Superintendent of Public Works, Columbus, Ohio.*

DEAR SIR:—You have submitted for my examination and approval a canal land lease in triplicate, executed by you to one O. C. Hansbarger of Millersport, Ohio. By this lease, which is one for a stated term of fifteen years and which provides for an annual rental of six dollars, there is leased and demised to the lessee above named the right to occupy and use for lawn and garden