

for mere purposes of general education or the acquiring of general ideas pertaining to the duties of his position is unauthorized. If, however, the attendance upon such convention is authorized by resolution of the city recreation board which in the exercise of a sound discretion finds it necessary to send its recreation director on a trip in furtherance of a definite presently contemplated undertaking for the benefit of the municipality the city may lawfully pay the necessary traveling expenses of such recreation director.

2. The traveling expenses of a salaried police officer incurred in investigating finger print systems may or may not lawfully be paid from city funds, depending on whether or not such investigation is merely for the purpose of acquiring general information with respect to finger print systems or whether it is for the purpose of determining the actual working of a system with a view to its installation in the city department which the police officer serves.

In the 1912 Opinion of the Attorney General, cited above, the Attorney General refers to the case of *Mogel vs. Burk's County*, 154 Penna. State, 14. In that case it appeared that the state prison inspectors were contemplating the installation of a new system of identification and a certain number of them made the trip outside of the county to determine the actual working of the system. There was no provision of law for the payment of such expenses, and yet the court held:

"The authority to examine and investigate, so far as may be necessary to form an intelligent judgment upon the utility and value of the machine they were authorized to buy and the system they were authorized to adopt, is incidental to the power conferred."

3. The traveling expenses of municipal officers or employes incurred in attending conventions of like municipal officers and employes can not be legally paid from public funds even though authorized by the taxing authority of a municipal corporation unless the attendance upon such convention was for the purpose of acquiring information relative to and necessary for the furtherance of a definite, presently contemplated undertaking for the benefit of the municipality in the performance of a duty enjoined by law.

Respectfully,
GILBERT BETTMAN,
Attorney General.

2083.

APPROVAL, TRANSCRIPT OF PROCEEDINGS TO SALE OF OHIO CANAL LANDS IN WAYNE TOWNSHIP, PICKAWAY COUNTY, OHIO, TO PENNSYLVANIA, OHIO AND DETROIT RAILROAD COMPANY.

COLUMBUS, OHIO, July 11, 1930.

HON. ALBERT T. CONNAR, *Superintendent of Public Works, Columbus, Ohio.*

DEAR SIR:—You have submitted for my examination and approval a transcript of your proceedings as Superintendent of Public Works relating to the sale of a certain parcel of abandoned Ohio canal lands in Wayne Township, Pickaway County, Ohio, to The Pennsylvania, Ohio and Detroit Railroad Company. Said parcel of land is more particularly described as follows:

Being a strip of land 120 feet wide extending across the Ohio Canal land in Wayne Township, Pickaway County, Ohio, described in detail as

follows: Beginning at a point where the center line of the right-of-way of The Pittsburgh, Ohio and Detroit Railroad intersects the west line of the Ohio Canal land, said point being 21 feet, more or less, measured along said center line from the east line of public road at Station 4339-27, R. R. survey; thence northwardly along the west line of the Ohio Canal land 61. 67 feet thence eastwardly by a line parallel with a tangent to the center line of the P. O. & D. R. R. at the point said center line intersects the center line of the Ohio Canal property, 135.5 feet, more or less, to a point on the east line of said canal land; thence southwardly along said east line of the canal land 123.34 feet; thence westwardly by a line parallel to second course above stated 135.5 feet, more or less, to a point in the west line of said canal lands; thence northwardly along said west line of said canal lands 61.67 feet to the point of beginning, containing an area of 0.3732 acres, more or less; reference being hereby made to Plat No. 163, W. H. Heiby's survey of said canal property.

Authority for the sale of this property by you on behalf of the State of Ohio is found in the provisions of Section 13971, General Code, which is applicable to canal lands generally, and in the provisions of the Act of May 31, 1911 (102 Ohio Laws, 293), the provisions of which have been carried into the Appendix of the General Code as Section 14203-12 to Section 14203-19, inclusive.

Upon examination of the transcript of your proceedings relating to the sale of this property, I find that you have made therein all of the findings of fact necessary to your authority to sell the property. In this connection my information is that Wayne Township is in the southern part of Pickaway County and that, therefore, the parcel of abandoned Ohio canal lands involved in this proceeding does not constitute any part of said abandoned Ohio canal lands which, under the provisions of Section 5 of the Act of May 31, 1911, (Section 14203-16, General Code) is required to be reserved for use as a possible feeder in case the Scioto River should be canalized in any scheme of improvement to connect Lake Erie with the Ohio River.

Finding your proceedings relating to the sale of this property to be in conformity with the law, the same are hereby approved, as is evidenced by my authorized signature upon said transcript and upon the duplicate copy thereof, both of which are herewith returned.

In this connection it will be observed that the provisions of Section 8775 and Section 8776, General Code, relating to the manner in which the tracks of the railroad company shall be extended across canals in this state, have no application to the question of your authority to sell the above described property for the purpose of affording a means whereby said railroad company may extend its tracks across the Ohio canal at this point. I assume that your department will require the provisions of these sections to be observed when the actual crossing of the canal by the tracks of said railroad company is effected.

Respectfully,
GILBERT BETTMAN,
Attorney General.