

3737.

APPROVAL—AGREEMENT BETWEEN THE DETROIT, TOLEDO AND IRONTON RAILROAD COMPANY, THE VILLAGE OF NAPOLEON AND THE STATE OF OHIO FOR THE RECONSTRUCTION OF THE SUBWAY IN NAPOLEON.

COLUMBUS, OHIO, January 4, 1935.

HON. O. W. MERRELL, *Director of Highways, Columbus, Ohio.*

DEAR SIR:—You have submitted for my examination and approval agreement between the Detroit, Toledo and Ironton Railroad Company, the Village of Napoleon and the State of Ohio for the reconstruction of the subway in Napoleon.

I have examined said agreement and it is my opinion that when the same is properly executed by you as Director of Highways, the same will constitute a valid and binding agreement. I have accordingly endorsed my approval thereon and return the same herewith.

Respectfully,

JOHN W. BRICKER,  
*Attorney General.*

3738.

APPROVAL—RESERVOIR LAND LEASE IN AUGLAIZE COUNTY FOR THE RIGHT TO OCCUPY AND USE FOR DANCE HALL PURPOSES—ST. MARYS POST, AMERICAN LEGION.

COLUMBUS, OHIO, January 4, 1935.

HON. EARL H. HANEFELD, *Director, Department of Agriculture, Columbus, Ohio.*

DEAR SIR:—This is to acknowledge the receipt of your recent communication with which you submit for my examination and approval a reservoir land lease in triplicate executed by the Conservation Commissioner to the St. Marys Post, American Legion of St. Marys, Ohio. By this lease, which is one for a term of fifteen years and which provides for an annual rental of \$75.00, payable in semi-annual installments, there is leased and demised to the lessee above named the right to occupy and use for dance hall purposes a parcel of reservoir land at Lake St. Marys which is situated in the Southeast Quarter of the Southeast Quarter of Section 5, Town 6 South, Range 4 East, St. Marys Township, Auglaize County, Ohio, and which is more particularly described as follows:

Starting at a point in the east line of Section 5, that is 40 feet southerly from the southerly property line of the Wheeling and Lake Erie Railroad right-of-way, as measured at right-angles thereto; thence North 62 deg. 50' West parallel to and 40 feet from said right-of-way line, 127' to the true place of beginning; thence North 62 deg.

50' West, 200 feet to a point; thence South 3 deg. 39' East, 296' (feet) to a point in the north line of the park driveway, thence South 61 deg. 39' along the said north line of the park driveway, 200 feet to a point; thence North 2 deg. 44' East, 236 feet to the place of beginning.

Upon examination of this lease I find that the same has been properly executed by the Conservation Commissioner and by St. Marys Post, American Legion, a corporation, by the hands of its president and secretary, acting pursuant to a resolution of the members of said organization adopted under date of December 6, 1934.

From an examination of the provisions of this lease and of the conditions and restrictions therein contained, I find the same to be in conformity with Section 471, General Code, and other statutory enactments relating to leases of this kind. I am accordingly approving this lease 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 enclosed.

Respectfully,

JOHN W. BRICKER,  
*Attorney General.*

---

3739.

COUNTY COMMISSIONERS—DUTY TO PROVIDE CONSULTATION  
ROOM IN COURT HOUSE FOR COURT OF APPEALS.

*SYLLABUS:*

*It is the duty of the County Commissioners to provide for the use of the Court of Appeals a consultation room in the Court House.*

COLUMBUS, OHIO, January 4, 1935.

HON. HOWARD S. LUTZ, *Prosecuting Attorney, Ashland, Ohio.*

DEAR SIR:—Your recent request for my opinion reads as follows:

“Your formal opinion is requested concerning the following matter.

Section 1530 of the General Code of Ohio reads in part as follows:

‘The County Commissioners must provide a room for the holding of the Court of Appeals and a consultation room for the Judges, cause such rooms to be properly furnished, heated, ventilated, lighted, kept clean and in good order and provide such other conveniences as the Court deems necessary.’

Our situation in Ashland is that the Court of Appeals uses the Common Pleas Court Room for their hearings which works out satisfactorily. As to a consultation room, however, the arrangement has not been satisfactory. The office of the Common Pleas Judge adjoins the Court Room but is completely filled with his own library, books and papers. No room is provided in the Court House for the