

together with the contract encumbrance record, be again submitted to me for approval.

Respectfully,

HERBERT S. DUFFY,
Attorney General.

70.

APPROVAL—LEASE TO OFFICE ROOMS IN CLEVELAND,
OHIO, FOR USE OF DIVISION OF BANKS.

COLUMBUS, OHIO, January 30, 1937.

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

DEAR SIR:—You have submitted for my examination and approval a certain lease executed by The Union Lennox Company of Cleveland, Ohio, under date of December 22, 1936, to the State of Ohio, acting by and through you as Director of the Department of Public Works, for the use of the Division of Banks, Department of Commerce, in and by which in consideration of the payment of an annual rental of \$900.00 in monthly installments of \$75.00 each, there is leased and demised to the state Room Number 1057 and the east one-half of Room Number 1056 on the tenth floor of the lessor's building at Number 925 Euclid Avenue in the city of Cleveland, Ohio.

This lease has been properly executed and, with the exception here noted, the same is in proper form. This lease is one for a term of two years, commencing on the first day of January, 1937, and ending on the last day of December, 1938. In this connection, it is suggested, giving effect to the decision of the Supreme Court in the case of *State, ex rel., Ross, vs. Donahey, Auditor of State*, 93 O. S., 414, that inasmuch as under the present appropriation act, House Bill No. 33 approved by the Governor under date of January 14, 1937, the moneys therein appropriated can be expended only for the payment of obligations from January 1, 1937, to June 30, 1937, inclusive, a provision be inserted in this lease reading as follows:

“This lease is made subject to appropriation made or to be made by the legislature and neither the Director of Public Works, the Superintendent of Banks nor any other state officer

shall be liable for the payment of rent under this lease if such appropriation is not made."

Moreover, giving effect to the provisions of section 2288-2, General Code, in so far as the same are applicable to a contract of this kind, a contract encumbrance record over the signature of the Director of Finance should be secured with respect to this lease, which contract encumbrance record should cover the moneys available and payable on the monthly installments of rent under the lease and which should be in a sum not less than that which is equal to one month's rent under the lease and which under the present appropriation act cannot be for a sum which is more than six months' rent under the lease.

For the reasons herein indicated, I am returning this lease to you without approval with the request that the lease be corrected in the manner above indicated and that the same, together with the contract encumbrance record herein referred to, be again submitted to me for my approval.

Respectfully,

HERBERT S. DUFFY,
Attorney General.

71.

DISAPPROVAL— GRANT OF EASEMENT TO LAND IN JACKSON TOWNSHIP, MUSKINGUM COUNTY, OHIO.

COLUMBUS, OHIO, February 1, 1937.

HON. L. WOODDELL, *Conservation Commissioner, Columbus, Ohio.*

DEAR SIR: You have submitted for my examination and approval a certain grant of easement, No. 375, conveying to the State of Ohio, for the purposes therein stated, a certain tract of land in Jackson Township, Muskingum County, Ohio.

Upon examination of the above instrument, I find a conflict of names. The property in question appears to be in the name of the estate of Daniel Ashcraft and the instrument is executed by representatives of the life estate of Edward H. Brannon and Herma Brannon.

I am therefore returning the same to you without my approval endorsed thereon.

Respectfully,

HERBERT S. DUFFY,
Attorney General.