

transfer as described in the last paragraph of Section 4696, General Code, is involved and the consent to the proposed transfer is not given by the Director of Education, or unless such proposed transfer does not conform to a "plan of organization" for a county school district adopted and approved under and by authority of Section 7600-1, et seq., of the General Code of Ohio, regardless of the size of the territory described or the number of electors residing within such territory.

Respectfully,

JOHN W. BRICKER,
Attorney General.

5909.

DISAPPROVAL—LEASE TO LAND IN BLANCHARD TOWNSHIP, HANCOCK COUNTY, OHIO, FOR STATE GAME REFUGE—ANNABELL STITT.

COLUMBUS, OHIO, July 28, 1936.

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

DEAR SIR: This is to acknowledge the receipt of your recent communication with which you submit for my examination and approval a certain lease executed to the State of Ohio, acting through you as Conservation Commissioner, by one Annabell Stitt, by which, in consideration of the sum of one dollar and the other matters and things to be done and performed by the Conservation Council acting for the State, there is leased and demised to the State, as the lessee therein named, certain tracts of land owned by the lessor in Blanchard Township, Hancock County, Ohio, and which is more particularly described as follows:

The South Fractional Southwest quarter of Section Seventeen (17) excepting nine and forty-four hundredths (9.44) acres off the East side thereof leaving thirty-eight and forty-two hundredths (38.42) acres.

The Northwest Fractional quarter excepting nineteen and fifty hundredths (19.50) acres off the east side of Section twenty (20) containing one hundred forty and fifty-seven hundredths (140.57) acres.

The South fractional Southeast quarter of Section eighteen (18) containing five and sixty four hundredths (5.64) acres.

The Southeast fractional northeast quarter of Section nineteen (19) containing one hundred forty-seven (147) acres.

Also a part of the West Half of the Southeast quarter

of said section nineteen (19) commencing for the same at the northwest corner of said southeast quarter and running thence south about forty (40) feet to the north line of the public road running East and West through the northerly part of the southeast quarter thence in a northeasterly direction along the north line of said public road to the east line of said west half of said southeast quarter. Thence north about twenty (20) feet to the East and West half section line running through said section thence west on said half section line to the place of beginning containing about one (1) acre of land more or less all in township one (1) North, Range Nine (9) East, said tracts together containing three hundred thirty-two and sixty three hundredths (332.63) acres, more or less but subject to all legal highways.

Upon examination of this lease, which is one for a stated term of five years and which is one for state game refuge purposes under the authority conferred upon the Conservation Council to this end by sections 1435-1 and 1438-1, General Code, I find that this lease instrument has not been executed in the manner required by the provisions of section 8510, General Code, in this that only one witness to the signature of the lessor appears on the lease, that witness being the notary public who took the lessor's acknowledgment to the lease. No objection can be taken, of course, to the fact that the notary public is listed as a witness to the signature of the lessor, but the section of the General Code above referred to requires the signing of the instrument to be in the presence of two witnesses who shall attest the signing and subscribe their names to the attestation. For this reason, I am unable to approve the lease here in question and the same is hereby returned to you without my approval endorsed thereon.

Respectfully,

JOHN W. BRICKER,
Attorney General.