

3447.

APPROVAL, LEASE FOR RIGHT TO USE FOR COTTAGE SITE, BOATHOUSE AND DOCKLANDING PURPOSES, LANDS AT BUCKEYE LAKE—WILLIAM T. CLARK—LAURA CLARK.

COLUMBUS, OHIO, July 21, 1931.

HON. I. S. GUTHERY, *Director, Department of Agriculture, Columbus, Ohio.*

DEAR SIR:—The conservation division of your department has submitted to this office for examination and approval a certain reservoir land lease in triplicate executed by the conservation commissioner to William T. Clark and Laura Clark of Dayton, Ohio.

By the lease above referred to, which is one for a term of fifteen years, there is leased and demised to said lessees the right to use and occupy for cottage site, boathouse and docklanding purposes, during the term above stated, that portion of State reservoir lands at Buckeye Lake that is included in lot No. 9 of the Abdalla, VanGundy and Heibert's Subdivision of C. M. Wagner's Allotment of lands at Summerland Beach at Buckeye Lake.

Upon examination of said lease I find that the same has been properly executed by the conservation commissioner and by the lessees above named. I likewise find that said lease as to its terms and provisions, and as to the conditions and reservations therein, is in conformity with statutory enactments relating to leases of this kind.

I am accordingly approving said lease as to its legality and form; and my approval is endorsed upon said lease and upon the duplicate and triplicate copies thereof, all of which I am herewith returning.

Respectfully,  
GILBERT BETTMAN,  
*Attorney General.*

3448.

APPROVAL, FOUR LEASES TO STATE RESERVOIR LANDS AT BUCKEYE LAKE—A. B. VANGUNDY.

COLUMBUS, OHIO, July 21, 1931.

HON. I. S. GUTHERY, *Director, Department of Agriculture, Columbus, Ohio.*

DEAR SIR:—This is to acknowledge the receipt of a recent communication from your department over the signature of the chief of the bureau of inland lakes and parks, division of conservation, submitting for my examination and approval four certain reservoir land leases in triplicate, executed by the conservation commissioner to one A. B. VanGundy of Lancaster, Ohio.

By the instruments above referred to there are leased and demised to said A. B. VanGundy, for terms of fifteen years each, four certain parcels of State reservoir lands at Buckeye Lake, the same being lots Nos. 2 to 5, inclusive, of Abdalla, VanGundy and Heibert's Subdivision of C. M. Wagner's Allotment of lands at Summerland Beach.

Upon examination of said leases, each of which provides for an annual rental

of six per centum upon the appraised value of the parcel of land to be leased and demised, I find the same to have been properly executed by the conservation commissioner and by said lessee named in said prospective leases.

I likewise find that said leases as to their terms and provisions, and as to the conditions and reservations therein contained, are in conformity with section 471 and other sections of the General Code relating to leases of this kind.

Said leases are accordingly hereby approved by me as to their legality and form; and my approval is endorsed upon said leases and upon the duplicate and triplicate copies thereof, all of which are herewith returned.

Respectfully,

GILBERT BETTMAN,  
*Attorney General.*

3449.

JUDGE OF COURT OF APPEALS—ADDITIONAL ANNUAL COMPENSATION—PRO RATED AMONG COUNTIES IN APPELLATE DISTRICT ACCORDING TO POPULATION OF SUCH COUNTIES AS DETERMINED BY FEDERAL CENSUS IN EXISTENCE WHEN PRO RATING IS MADE.

SYLLABUS:

*The additional annual compensation allowed to judges of courts of appeals by force of Section 2253-2, General Code, should be pro rated among the counties of the appellate district for which the judge was elected or appointed according to the population of such counties as determined by the Federal census next preceding the time when the pro rating is made.*

COLUMBUS, OHIO, July 22, 1931.

HON. CARL J. CHRISTENSEN, *Prosecuting Attorney, Toledo, Ohio.*

DEAR SIR:—This will acknowledge receipt of your request for my opinion which reads as follows:

“The Auditor of this county is required to pro rate and charge against Lucas County that part of the additional allowance allowed to the Judges of the Court of Appeals, payable from the Treasury of Lucas County under Section 2253. One member of the Court of Appeals was elected in November, 1928, and the question now arises as to whether or not the proportion of the additional allowance under the above section should be made under the census report of 1920 or under the latest federal census report of 1930.

This does not involve the question as to whether or not the salary of this particular judge is increased under the last act of the legislature fixing salaries of judges of the court of appeals, but only the question as to how his additional allowance shall be apportioned among the several counties comprising this district.”

Section 2253-2, General Code, reference to which is made in your inquiry, provides that each judge of the Court of Appeals shall receive a certain annual com-