

that part of the above described property which is occupied by the United States Government.

The above described property being part of the L. Guion Tract, situated in T 9 S-R 8 E, Lucas County, Ohio.

This deed, which has been executed on behalf of the City of Toledo by the officers thereof above named, has been so executed pursuant to an ordinance of the Council of said City passed February 19, 1934, and amended March 5, 1934. The deed here in question has apparently been executed in the manner required by law with respect to deeds of this kind, and the form of the deed is such as to convey the above described property to the State for the purpose above indicated. In this connection, it is noted that the deed recites that the conveyance is in consideration of one dollar and other valuable considerations paid to the City of Toledo by the State of Ohio. As to this, it may perhaps be assumed that the conveyance of this property to the State of Ohio is in substance and effect a donation, and that whatever valuable consideration accrued to the City by reason of the conveyance of this property and the use of the property by the State in the construction of this armory building, will be such collateral benefits as will naturally occur by reason of the construction and maintenance of a building of this kind. In this situation and by reason of the provisions of section 3631, General Code, authorizing a municipal corporation to deed real property to the State for armory purposes, and of those of section 5237, General Code, authorizing the Adjutant General to accept on behalf of the State property deeded for this purpose, I am of the opinion that this deed is in all respects valid, and that under the same the State will acquire whatever title the City of Toledo now has in and to the property conveyed by this deed.

In this connection, it is noted that no abstract or certificate of title has been submitted with this deed and for this reason I do not in this opinion pass upon the question of the title of the City of Toledo to the property conveyed. I am herewith enclosing the deed above referred to, as well as a copy of the ordinance of the Council of the City of Toledo authorizing the execution of the same.

Respectfully,

JOHN W. BRICKER,
Attorney General.

2541.

APPROVAL—RESERVOIR LAND LEASE TO THE HOME BANKING COMPANY OF ST. MARYS, OHIO, FOR THE RIGHT TO OCCUPY AND USE FOR COTTAGE SITE AND DOCKLANDING PURPOSES SMALL ISLAND IN AUGLAIZE COUNTY.

COLUMBUS, OHIO, April 20, 1934.

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

DEAR SIR:—The Chief of the Bureau of Inland Lakes and Parks of the Division of Conservation in your Department has submitted for my exam-

ination and approval a reservoir land lease in triplicate executed by the Conservation Commissioner to The Home Banking Company of St. Marys, Ohio. By this lease, there is granted and demised to the lessee above named for the term of fifteen years the right to occupy and use for cottage site and docklanding purposes a small island in the Northeast Quarter of the Southwest Quarter of Section 18, Town 6 South, Range 4 East, Auglaize County, Ohio, commonly known as "Smith's Island."

Upon examination of the lease here in question, I find that the same has been properly executed by the Conservation Commissioner and by The Home Banking Company by the hand of its president duly authorized by the board of directors of said company.

Upon examination of the provisions of this lease and of the conditions and restrictions therein contained, I find the same to be in conformity to the provisions of section 471, General Code and of 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.

2542.

NATIONAL BANK—DESIGNATED AS DEPOSITORY FOR FUNDS OF MUNICIPAL COURT OF CLEVELAND UNAUTHORIZED TO PLEDGE ASSETS AS SECURITY THEREFOR—SUCH DEPOSITS NOT "PUBLIC FUNDS" UNDER BANKING ACT OF 1933.

SYLLABUS:

1. *A national bank, designated as a depository for funds of the Municipal Court of Cleveland, under section 1579-42, General Code, has no power to pledge its assets as security for funds deposited thereunder.*

2. *Deposits under said sections of moneys paid into the Municipal Court of Cleveland by private parties, pending the outcome of litigation, are not deposits of "public funds" within the meaning of the proviso contained in section 11 (b) of the Banking Act of 1933, and, therefore, a member bank of the Federal Reserve System is without power to pay interest upon such deposits withdrawable upon demand.*

COLUMBUS, OHIO, April 21, 1934.

Bureau of Inspection and Supervision of Public Offices, Columbus, Ohio.

GENTLEMEN:—I have your inquiry concerning the power of a national bank, designated under Section 1579-42, General Code, as the depository for funds of the Municipal Court of Cleveland, consisting of moneys held on behalf of private litigants, to pledge its assets as security for such deposits. You further inquire whether a depository bank may pay interest upon such funds deposited by the Municipal Court of Cleveland.