

attorney's office. As I understand from your letter, however, you have but one employe in your office, who acts both as clerk and stenographer.

It appears to me that the principle laid down in the Thomas case is also applicable here. Said section 2915, General Code, clearly gives authority for the prosecuting attorney to fix the compensation of his stenographer, and when he so fixes it, the amount has been fixed by a person or tribunal authorized so to do, and is an act equivalent to and on parity with a fixing by law.

Therefore, in specific answer to your second question, I am of the opinion that the county commissioners are unauthorized to appropriate a lesser amount for your stenographer than that fixed by you, since your question implies that the amount you fixed does not exceed the amount allowed your office by the common pleas judge for your employe.

With respect to the first part of your third question, I am of the opinion that in view of what has been said heretofore with reference to the Thomas case, the county commissioners may not appropriate a lesser amount for the bailiff's compensation than that fixed by the common pleas judge. Since the first part of your third question is answered in the negative, an answer to the second part of your third question is rendered unnecessary.

Respectfully,

GILBERT BETTMAN,
Attorney General.

4179.

APPROVAL, LEASES FOR RIGHT TO USE FOR FISH HATCHERY,
LANDS IN SUMMIT AND AUGLAIZE COUNTIES.

COLUMBUS, OHIO, March 25, 1932.

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, in the Division of Conservation, submitting for my examination and approval, two reservoir land leases executed by the Conservation Commissioner, pursuant to the authority conferred upon him by Section 471, General Code.

By the leases here in question, each of which is for a term of fifteen years, permission is granted to the Division of Conservation to occupy and use certain parcels of state reservoir lands for fish hatchery purposes. In one of the leases, the land leased for the purpose above stated, in the large island known as Myers Island, in the Portage Lakes region, the same being in the new reservoir, commonly known as the North Reservoir, in Coventry Township, Summit County, Ohio. The land covered in the other lease is adjacent to the east bank of Lake St. Marys, in the northeast quarter of Section 17, Town 6 south, Range 4 east, and in the southeast quarter of Section 8, Town 6 south, Range 4 east, Auglaize County, Ohio, and is more particularly described in said lease.

The annual rental reserved in each of these inter-department leases is six per cent. of the valuation of the particular tract or parcel of land leased; and in one case, such annual rental is the sum of \$360.00, payable in semi-annual installments of \$180.00 each, and in the other case, the annual rental is \$150.00, payable in semi-annual installments of \$75.00 each.

There are no apparent legal reasons why these leases should not be approved and the state be thereby permitted to use its own lands for fish hatchery purposes, instead of being compelled to purchase, or otherwise acquire lands for this purpose.

Under the provisions of Section 469, General Code, the above named reservoirs and the lands included therein, and adjacent thereto, are dedicated and set apart for the use of the public as public parks or pleasure resorts; and by Section 470, General Code, it is provided that these reservoirs shall at all times be open to the public as resorts for recreation and pleasure. In this situation, I assume that the use of the lands in these respective reservoirs for fish hatchery purposes, in the manner contemplated by these leases, will in no wise interfere with the legitimate and lawful use of these reservoirs and lands for public park and pleasure resort purposes.

With this assumption, I am approving these leases as to legality and form, and I herewith return the leases with my approval endorsed upon the same and upon the duplicate and triplicate copies thereof.

Respectfully,

GILBERT BETTMAN,
Attorney General.

4180.

APPROVAL, LEASE FOR RIGHT TO USE FOR COTTAGE SITE AND DOCK-LANDING PURPOSES, LAND AT LAKE ST. MARYS—HARVEY MARTIN.

COLUMBUS, OHIO, March 25, 1932.

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, in the Division of Conservation, submitting for my examination and approval, a certain reservoir land lease executed by the Conservation Commissioner, pursuant to the authority conferred upon him by Section 471, General Code.

By this lease there is leased and demised to one Harvey Martin, of Celina, Ohio, for a term of fifteen years, the right to use and occupy for cottage site and dock-landing purposes, that portion of the inner slope and water front and all of the outer slope of the westerly embankment of Lake St. Marys, and the state land in the rear thereof, extending back to the state ditch, that is included in the south half of Embankment No. 61, lying south of the center line of Section 12, Town 6 south, Range 2 east.

Upon examination of this lease I find that the same has been executed by the Conservation Commissioner and by the above named lessee, in the manner provided by law. Upon examination of the terms and provisions of this lease, and the conditions and restrictions therein contained, I find the same to be in conformity with statutory provisions relating to leases of this kind.

I am accordingly approving said lease as to legality and form and I herewith