

"On April 22nd, 1925, Hon. C. C. Crabbe, then Attorney General, advised the Division of Public Works, that it had been temporarily restrained by the Common Pleas Court of Franklin county, Ohio, from approving the transfer of the title of a certain lease held by L. D. D. for a small island in Buckeye Lake, commonly known as 'Rownd Island.'

This case is No. 101696 on the docket record of Franklin county Common Pleas Court.

This case was heard in the Common Pleas Court, but so far as we know, no decision thereon has ever been rendered.

We have been asked to approve the transfer of this leasehold from L. D. D. to J. C., but do not wish to take any action on this application for transfer until you have advised us whether or not, we can do so without violating the restraining order."

You desire my opinion as to whether you are permitted to approve the application of the transfer of a lease from one L. D. D. to one J. C.

The lease referred to in your letter involves a small island in Buckeye Lake commonly known as "Rownd Island," which was heretofore leased by the Department of Highways and Public Works, Division of Public Works, to one L. D. D.

I have carefully examined the docket of the Court of Common Pleas of Franklin county, Ohio, and the pleadings and entries in cause No. 101696, and fail to find wherein the Court of Common Pleas ever issued an injunction restraining either Lewis A. Boulay, who was Director of Highways and Public Works at the time such action was filed or Richard T. Wisda, Assistant Superintendent of Public Works, from approving a transfer of the leasehold interest of the said L. D. D. in said island.

In the absence of any order of court restraining such an approval, and in view of the fact that Sections 464, 154-3, 154-40 and 13965, General Code, vest authority in the Director of Highways and Public Works to lease canal and other state lands, it is my opinion that you may lawfully approve the transfer of this lease.

Respectfully,

EDWARD C. TURNER.

*Attorney General.*

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APPROVAL, NOTES OF SCHOOL DISTRICTS IN GALLIA, HAMILTON,  
JACKSON, LAWRENCE AND PERRY COUNTIES.

COLUMBUS, OHIO, May 7, 1927.

*Retirement Board, State Teachers Retirement System, Columbus, Ohio.*