

the legislature, and with other statutory provisions relating to leases of this kind, the same is hereby approved, as is evidenced by my approval endorsed upon said lease and upon the duplicate and triplicate copies thereof.

Respectfully,
GILBERT BETTMAN,
Attorney General.

2203.

APPROVAL, LEASE TO STATE RESERVOIR LAND AT LAKE ST. MARYS—HARRY L. HIGHT.

COLUMBUS, OHIO, August 5, 1930.

HON. PERRY L. GREEN, *Director of Agriculture, Columbus, Ohio.*

DEAR SIR:—There has been submitted for my examination and approval a certain lease, executed by the State of Ohio, through the Conservation Commissioner, by which there is leased to one Harry L. Hight of Celina, Ohio, for a term of fifteen years at an annual rental of \$12.00, a certain parcel of state reservoir land at Lake St. Marys, which parcel of land is more particularly described as follows:

Beginning at a point that is three hundred and eighty-nine (389) feet and three (3) inches, east of the east line produced southerly to said water front, of Out Lot No. 19, in the city of Celina, Mercer County, Ohio, said point being the northeast corner of a lot now owned by Harriet Gillespie, and running thence easterly one hundred eighty-three (183) feet and nine (9) inches, as measured along the south line of East Market Street, and being a part of the southeast quarter of the northwest quarter of Section 6, Town 6, south, Range 3 east, Mercer County, Ohio, along the north shore of Lake St. Marys.

Upon an examination of said lease, I find the same to be in accordance with the provisions of Section 471, General Code, as amended by the 88th General Assembly (113 O. L. 553), and in accordance with other statutory provisions relating to leases of this kind. I am accordingly approving said lease as is evidenced by my authorized signature upon said lease and upon the duplicate and triplicate copies thereof, all of which are herewith returned.

Respectfully,
GILBERT BETTMAN,
Attorney General.

2204.

APPROVAL, LEASE TO STATE RESERVOIR LAND AT INDIAN LAKE—DON A. DETRICK.

COLUMBUS, OHIO, August 5, 1930.

HON. PERRY L. GREEN, *Director of Agriculture, Columbus, Ohio.*

DEAR SIR:—There has been submitted for my examination and approval a certain lease in triplicate executed by the State of Ohio through the Conservation

Commissioner to one Don A. Detrick of Bellefontaine, Ohio, by which there is leased and demised to said lessee for a term of fifteen years and for an annual rental of \$100.00 a certain tract of state reservoir land at Indian Lake, which is more particularly described as being:

"That portion of the State Reservoir property in Virginia Military Survey No. 12276, Stokes Township, Logan County, Ohio, that is included in the bayou that extends northwesterly from the westerly line produced, of a certain 30.56 acre tract of land formerly owned by Dennis Denney, which line, extended, passes through Station 739 plus 09.2 of J. C. Wonder's transit line of his survey of the Lewistown Reservoir, made under the direction of the Ohio Canal Commission in 1892, which line produced, terminates in the most easterly extremity of Lot No. 28 of H. Landen's Allotment, known as 'Island View' on the north shore of Indian Lake, and extending thence westerly and northwesterly, including the full width of said bayou and its embankments run to a contour line two (2) feet above the present waste-weir line, being at an elevation of 998.50 feet above sea level datum, a distance of 1950 feet, more or less, to the head of said bayou, and containing 5.65 acres, more or less, excepting therefrom any portion of the State Reservoir land that has been platted and included in Landen's 'Island View Allotment.'"

The lease here in question has been executed by the Conservation Commissioner under the authority of Section 471, General Code, as amended by the 88th General Assembly, 113 O. L. 553. Although upon an examination of the provisions of this lease, I find that some of said provisions are of doubtful authority and effect, I do not think that said provisions affect the validity of the lease in its main purposes as indicated by the valid provisions therein. Thus, there is granted to said lessee and to his heirs, executors, successors and assigns, the right to exercise jointly with the State of Ohio and its authorized agents "police powers" over the lands and water front leased by this instrument. I know of no power and authority by which the Conservation Commissioner or any officer of the state can confer upon an individual, as the lessee of property of the state, police powers with respect to the property leased. Neither the Conservation Commissioner nor the Conservation Council have any police powers with respect to state reservoir lands and waters other than that granted by statutory provision, and it is certain that the Conservation Commissioner and the Conservation Council have no authority to delegate to other persons any part of the police power of the state granted to them by the Conservancy Act. I assume, however, that all that is intended by the above noted provision of said lease is that the lessee of said property is to be given the right to make such rules and regulations with respect to the property leased and the use thereof as are not inconsistent with statutory provisions or with the valid rules and regulations of the Conservation Commissioner or the Conservation Council.

Again, it is noted that by said lease, it is provided that the lessee, therein named in making sub-leases of any portion of said property shall insert a clause in the instrument by which such sub-lease is made, to the effect that the bona fide owner of such sub-lease shall be entitled to a renewal of his lease direct from the state at the expiration of the lease here in question. It may be desirable that a provision of this kind be inserted in the instrument by which such sub-lease is granted, but I do not see how such a provision could have the effect of requiring the Conservation Commissioner or the Conservation Council or any other officer or board having statutory authority and control of said reservoir lands at the

time of the expiration of this lease, to execute a new lease to such sub-tenant, even if such sub-tenant under this lease made application therefor. The only authority granted to the Conservation Commissioner with respect to this matter is to execute a lease to the person therein named as lessee for a term of fifteen years, and obviously the Conservation Commissioner in the execution of such lease has no authority to confer upon the lessee therein named, a right to a renewal of such lease at the expiration of the original lease. This being true, it follows for a stronger reason, that the Conservation Commissioner cannot by this lease confer or impose upon the lessee the power to give a sub-tenant the right to a new lease at the expiration of the original lease. It may, indeed, be equitable that a sub-tenant who has gone on the property leased to him and has erected thereon substantial improvements should be entitled to a lease direct from the state upon expiration of the lease here in question and the sub-lease granted thereunder; but it is to be assumed that the officer or board having authority to lease the property here in question or any part thereof at the expiration of this lease will recognize the equities that may exist in particular lessees or sub-tenants, existing by reason of the construction by them of improvements upon this property. However, as above noted, I do not think that the particular provisions of the lease here in question above discussed in any wise affect the other provisions of the lease which are within the scope and authority of statutory provisions relating to leases of this kind, and said lease is, accordingly, hereby approved as to legality and form as is evidenced by my authorized signature upon said lease and upon the duplicate and triplicate copies thereof.

Respectfully,
 GILBERT BETTMAN,
Attorney General.

2205.

APPROVAL, BONDS OF CLEVELAND HEIGHTS VILLAGE SCHOOL DISTRICT, CUYAHOGA COUNTY, OHIO—\$20,000.00.

COLUMBUS, OHIO, August 5, 1930.

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

2206.

ELECTION LAW—COMMITTEE OR PERSON OTHER THAN CANDIDATE—EXPENSES IN CONNECTION WITH ELECTION NOT LIMITED—ITEMIZED STATEMENT NECESSARY.

SYLLABUS:

The limitations set forth in Section 4785-184, General Code, as to the amount a candidate for public office may spend, are not applicable to amounts which may be spent by a committee or person other than a candidate in order to secure the