

of the original gift that the university acquired thereby, not only the use of the books, but also a clear and unqualified title to them.

Respectfully,
GILBERT BETTMAN,
Attorney General.

1243.

APPROVAL, FINAL RESOLUTION ON ROAD IMPROVEMENT IN
CRAWFORD COUNTY.

COLUMBUS, OHIO, November 30, 1929.

HON. ROBERT N. WAID, *Director of Highways, Columbus, Ohio.*

1244.

APPROVAL, BOND FOR THE FAITHFUL PERFORMANCE OF HIS DUTIES
AS RESIDENT DISTRICT DEPUTY DIRECTOR—E. A. DUDUIT.

COLUMBUS, OHIO, December 2, 1929.

HON. ROBERT N. WAID, *Director of Highways, Columbus, Ohio.*

DEAR SIR:—You have submitted for my approval the bond for the penal sum of \$5,000.00, upon which E. A. Duduit appears as principal and the Aetna Casualty and Surety Company appears as surety, conditioned for the faithful performance of the duties of said principal as Resident District Deputy Director assigned to Scioto County.

Finding said bond in proper legal form, I have accordingly approved the same and return it herewith.

Respectfully,
GILBERT BETTMAN,
Attorney General.

1245.

APPROVAL, LEASE TO OHIO CANAL LAND IN MORGAN TOWNSHIP,
SCIOTO COUNTY—WILLIAM T. GLASE.

COLUMBUS, OHIO, December 2, 1929.

HON. RICHARD T. WISDA, *Superintendent of Public Works, Columbus, Ohio.*

DEAR SIR:—You have submitted for my examination and approval a certain lease indenture in triplicate executed by you in your official capacity as Superintendent of Public Works and as Director of said department, by which there is leased and demised to one William T. Glase of Lucasville, Ohio, a certain tract of 4.75 acres of land, the same being part of abandoned Ohio canal property located in Morgan Township, Scioto County, Ohio.

This lease, which is one for a term of fifteen years and calling for the payment of an annual rental of six percent upon the appraised value of said tract of land, is apparently executed under authority of an act of the General Assembly passed in 1911, 102 O. L., 293, providing for the abandonment of that part of the Ohio Canal between Buckeye Lake and the junction of said canal with the Ohio River, near Portsmouth, Ohio. Section 3 of said act, which has been carried into the General Code, as Section 14203-14, provides for the lease or sale of said abandoned canal lands subject to the approval of the Governor and the Attorney General, in strict conformity with the various provisions of the statutes of this State relating to the leasing and selling of State canal lands, except that the grant of such leases shall be for a term of not less than fifteen years and not more than twenty-five years. These provisions of Section 14203-14, General Code, make applicable to the lease here in question earlier statutory provisions relating to the leasing of canal lands which have been carried into the General Code as Section 13965 et seq.

A careful examination of the provisions of this lease shows that the same is in conformity with the statutory provisions above referred to, with other relating statutory provisions applicable to leases of this kind. Said lease is accordingly approved by me as to legality and form, and my approval is endorsed upon said lease and upon the duplicate and triplicate copies of the same, all of which are herewith returned.

Respectfully,

GILBERT BETTMAN,
Attorney General.

1246.

ANNEXATION OF TOWNSHIP TERRITORY TO MUNICIPALITY —
CHARGES AGAINST TOWNSHIP FOR ROAD IMPROVEMENT CON-
SIDERED IN DETERMINING NET INDEBTEDNESS FOR APPOR-
TIONMENT—WHEN SUCH ANNEXATION VALID.

SYLLABUS:

1. *When a portion of a township is annexed to a municipal corporation upon which tax levies for township debts did not apply, it is necessary that the net indebtedness of the township as it existed before such annexation, be apportioned by the county auditor between the municipal corporation receiving the territory and the portion of the township remaining unannexed to the said municipal corporation, and said annexation is not valid unless said apportionment is made and the same is accepted by ordinance or resolution of the council or other legislative authority of such municipal corporation.*

2. *When road improvements are made by county commissioners by authority of Sections 6906 et seq., General Code, and the cost thereof apportioned whereby it is determined that the township in which an improvement lies shall as a whole bear a portion of the cost of such improvement, the share so charged against the said township becomes a part of the indebtedness of the township, and should be so considered in determining the net indebtedness of the township, as the term "net indebtedness" is used in Section 3557-1, General Code, when apportionment is made between a municipal corporation upon which the tax levies for the township's share of said road improvement did not apply, to which a portion of the township is annexed, and the remaining portion of the township unannexed to the municipal corporation.*

COLUMBUS, OHIO, December 3, 1929.

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

GENTLEMEN:—This will acknowledge receipt of your request for my opinion as follows: