

1196.

APPROVAL, BONDS OF NEW RICHMOND VILLAGE SCHOOL DISTRICT,
CLERMONT COUNTY—\$37,500.00.

COLUMBUS, OHIO, November 14, 1929.

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

1197.

WILBERFORCE UNIVERSITY—NO POWER TO GRANT EASEMENTS IN
STATE LANDS WITHOUT LEGISLATIVE AUTHORITY.

SYLLABUS:

The Board of Trustees of the Combined Normal and Industrial Department of Wilberforce University has no power to grant interests in lands under its control which are owned by the state, in the absence of express legislative authority therefor.

COLUMBUS, OHIO, November 14, 1929.

Board of Trustees, The Combined Normal and Industrial Department, Wilberforce University, Wilberforce, Ohio.

GENTLEMEN:—A recent communication received from Richard C. Bundy, Superintendent of your institution, reads as follows:

“By direction of the Board of Trustees of the Combined Normal and Industrial Department of Wilberforce University, I have hereby to request an official opinion for the board on the following matters:

1. The Ohio Fuel Gas Company's mains cross the farm of the institution. A private citizen living on the road opposite the institution's farm desires to have gas service in his residence. This private citizen desires to lay across the state farm a service line from the Ohio Fuel Gas Company's mains to his residence. The permission to run the service line across the state farm is requested of the board by this citizen. All expense of work to be borne by him. The Board of Trustees desires to know whether it has the legal right to grant this request. If so, under what conditions?

2. The commercial service lines of the Dayton Power and Light Company are perhaps a half mile distant from the private residence of this same citizen. He requests permission to erect, without cost to the institution, inside of the property lines of the state farm adjoining the public highway poles which will carry the electric service lines of the Dayton Power and Light Company to his residence. The Board of Trustees also desires to know whether it has the legal right to grant this request and if so under what conditions.”

It may be stated as a general proposition of law that a state officer or board having the custody and control of real estate which belongs to the state may not grant any right or interest therein without express legislative authority to that