

It is accordingly my opinion that these bonds constitute valid and legal obligations of said city.

Respectfully,

THOMAS J. HERBERT,
Attorney General.

1263.

BONDS—CITY OF CLEVELAND, CUYAHOGA COUNTY,
\$100,000.00.

COLUMBUS, OHIO, October 3, 1939.

The Industrial Commission of Ohio, Columbus, Ohio.

GENTLEMEN:

RE: Bonds of the City of Cleveland, Cuyahoga
County, Ohio, \$100,000.

The above purchase of bonds appears to be part of a \$2,500,000 issue of refunding bonds, series A, of the above city dated September 1, 1939. The transcript relative to this issue was approved by this office in an opinion rendered to the State Teachers Retirement Board under date of September 7, 1939, being Opinion No. 1146.

It is accordingly my opinion that these bonds constitute valid and legal obligations of said city.

Respectfully,

THOMAS J. HERBERT,
Attorney General.

1264.

DEED—TO STATE BY THOMAS C. DAVIS AND VRINA DAVIS,
6.67 ACRES LAND, PART SECTION 11, T.5 N. R. 18 W. AND
6.58 ACRES PART SECTION 14, T. 5 N. R. 18 W., JEFFERSON
TOWNSHIP, JACKSON COUNTY.

COLUMBUS, OHIO, October 3, 1939.

HON. DON WATERS, *Conservation Commissioner, Columbus, Ohio.*

DEAR SIR: You have submitted to me for approval a warranty deed executed by Thomas C. Davis and Vrina Davis, husband and wife, to the State of Ohio conveying 6.67 acres of land in the southwest quarter

of the southeast quarter of Section 11, T. 5 N., R. 18 W., and 6.58 acres in the northwest quarter of the northeast quarter of Section 14, T. 5 N., R. 18 W., in Jefferson Township, Jackson County, Ohio, certificates of title concerning such properties; certified copy of resolution authorizing the purchase of such property; and copy of contract encumbrance record.

Upon examination of such documents, I am of the opinion that the condition of the title is such that upon delivery of the deed the State of Ohio will acquire good title to the premises described in the enclosed deed unincumbered, except for the lien of current taxes, and that the proper steps have been taken to authorize you to complete such purchase.

Respectfully,

THOMAS J. HERBERT,
Attorney General.

1265.

LESSEE—MAY REFUSE TO PERMIT SUBSEQUENT OR JUNIOR LESSEE TO ENTER DEMISED PREMISES—PURPOSE—ERECT POLE LINE—EXCEPTION, RESERVATION IN LEASE TO PERMIT SUCH RIGHT—CANAL LAND.

SYLLABUS:

A lessee may refuse to permit a subsequent or junior lessee to enter upon the demised premises for the purpose of erecting a pole line thereon, unless the lease to the senior lessee contains a reservation permitting the lessor to exercise such right.

COLUMBUS, OHIO, October 4, 1939.

HON. CARL G. WAHL, *Director, Department of Public Works, Columbus, Ohio.*

DEAR SIR: This will acknowledge receipt of your recent communication, which reads as follows:

“At the time our current land lease form was prepared, a paragraph was included which was intended to give the Department of Public Works the authority to grant pole line and pipe line leases on canal property already under lease for other purposes, providing the pole or pipe line lease would not be inconsistent with any provisions of the prior lease.

One of our lessees, who holds a fifteen year agricultural and residence lease on the Miami and Erie Canal is objecting to the department granting a pole line lease which will occupy ground on his leasehold. The lessee contends that since no provision was made in his lease which specifically stated that the