

rather than as an adjective, and that the phraseology in the first instance would have been offices of a township as distinguished from township officers, and the terms placed in similar relationship to those of the latter phrase."

In arriving at this construction of section 4785-90, General Code, I am not unmindful of the word "such" appearing at the beginning of the last sentence of said section, as follows: "if the electors of any *such* township or municipality." The use of the phrase "such township" would make it appear that only townships having a population of less than two thousand were contemplated by the terms of that section. However, I feel the inclusion of that word in the present statute was an oversight on the part of the Legislature and was inadvertently allowed to remain. In view of what has been said above concerning the provisions of Article V, Section 7 of the Constitution of Ohio, I feel the position here taken is in keeping with and in nowise violates the legislative intent.

In conclusion, I am therefore of the opinion that section 4785-90, General Code, which provides for nomination by petition, applies to all elective offices in a township and to elective offices only in those municipalities having according to the next preceding federal census a population of less than two thousand.

Respectfully,

THOMAS J. HERBERT,
Attorney General.

746.

QUIT CLAIM DEED — UNITED STATES OF AMERICA, BY SECRETARY OF WAR, TO STATE, LANDS, GALLIA COUNTY, PURPOSE, WIDENING AND RELOCATING STATE HIGHWAY NO. 7.

COLUMBUS, OHIO, June 12, 1939.

HON. ROBERT S. BEIGHTLER, *Director of Highways, Columbus, Ohio.*

DEAR SIR: You have submitted for my approval a proposed quit-claim deed in quadruplicate, by and between the United States of America, by the Secretary of War, and the State of Ohio by the Director of Highways, the purpose of which is to grant to the State of Ohio, under authority of Section 10 of Chapter 535 of an Act of Congress, approved June 20, 1938, certain lands situated in Gallia County, Ohio and recorded in Vol. 116, p. 337 of the deed records of said county to the State of Ohio for the purpose of widening and relocating the public highway known as State Highway No. 7.

After examination, it is my opinion that the same is in proper legal form and will constitute a binding agreement when the instrument is properly executed and accepted by the State in accordance with the terms thereof. Accordingly, I have endorsed my approval on said forms and return the same herewith.

Respectfully,

THOMAS J. HERBERT,
Attorney General.

747.

AGREEMENT — STATE WITH BALTIMORE AND OHIO SOUTHWESTERN RAILROAD COMPANY, RELOCATION AND RECONSTRUCTION, SECTIONS 15, 16 AND 22, CANAAN TOWNSHIP, ATHENS COUNTY, STATE HIGHWAY NO. 156.

COLUMBUS, OHIO, June 12, 1939.

HON. ROBERT S. BEIGHTLER, *Director of Highways, Columbus, Ohio.*

DEAR SIR: You have submitted an agreement by and between yourself as Director of Highways and the Baltimore and Ohio Southwestern Railroad Company covering the contemplated relocation and reconstruction of a part of State Highway No. 156, along and adjacent to the premises of the company through Sections 15, 16 and 22 of Canaan Township, Athens County, Ohio.

After examination, it is my opinion that said agreement when properly executed by the Director of Highways will constitute a valid and binding contract. Said agreement and other data submitted is being returned herewith.

Respectfully,

THOMAS J. HERBERT,
Attorney General.

748.

LEASE — OFFICE SPACE — DEPARTMENT LIQUOR CONTROL—LIABILITY WHERE TERM OF LEASE EXPIRED—STATUS, FINAL PERIOD OF TERM—IMPLIED POWER TO OCCUPY PREMISES—TENANCY—MONTH TO MONTH BASIS—SECTION 6064-8 G. C.

SYLLABUS:

1. *If the department of liquor control occupies space lawfully leased by it for the purpose of a liquor store, after the expiration of the term*