

4673.

APPROVAL, LEASE TO LAND IN LIBERTY TOWNSHIP,  
WOOD COUNTY, OHIO, FOR GAME AND BIRD REFUGE  
—OHIO OIL COMPANY.

COLUMBUS, OHIO, September 17, 1935.

HON. L. WOODDELL, *Conservation Commissioner, Columbus, Ohio.*

DEAR SIR:—This is to acknowledge the receipt of your recent communication with which you submit for my examination and approval Lease No. 2313, in triplicate, by which the Ohio Oil Company, a corporation, leases and demises to the State of Ohio, for a term of one year, a 320 acre tract of land in Liberty Township, Wood County, Ohio, which tract of land is described in said lease as "Northeast quarter (NE $\frac{1}{4}$ ) and the Southeast (SE $\frac{1}{4}$ ) of Section 20".

This lease, which is one executed and taken under the authority of Section 1435-1, General Code, and which leases the property therein described to the state for use as a game and bird refuge, has been properly executed by the company above named by the hands of its authorized officers acting pursuant to the power conferred upon them by a resolution of the board of directors of said company.

The description of said property, as the same is set out in this lease, is defective for the reason that the township and range of the survey in which this property is located are not designated. It appears upon investigation, however, that the civil township known as Liberty Township, Wood County, Ohio, is co-extensive with Township 4N, Range 10E of the original government survey in and by which these lands were allotted and sold. Since there is only one Section 20 in the original surveyed township, it follows, on the facts above stated, that there is only one Section 20 in Liberty Township, Wood County, Ohio. In this view and following the rule or axiom that "that is to be considered certain which can be made certain", it may be said that the description of the property contained in the lease is sufficient for the purpose of such lease.

Upon the considerations above noted, I am approving the lease as to legality and form as is evidenced by my approval endorsed upon the lease and upon the duplicate and triplicate copies thereof all of which are herewith returned to you.

Respectfully,

JOHN W. BRICKER,  
*Attorney General.*